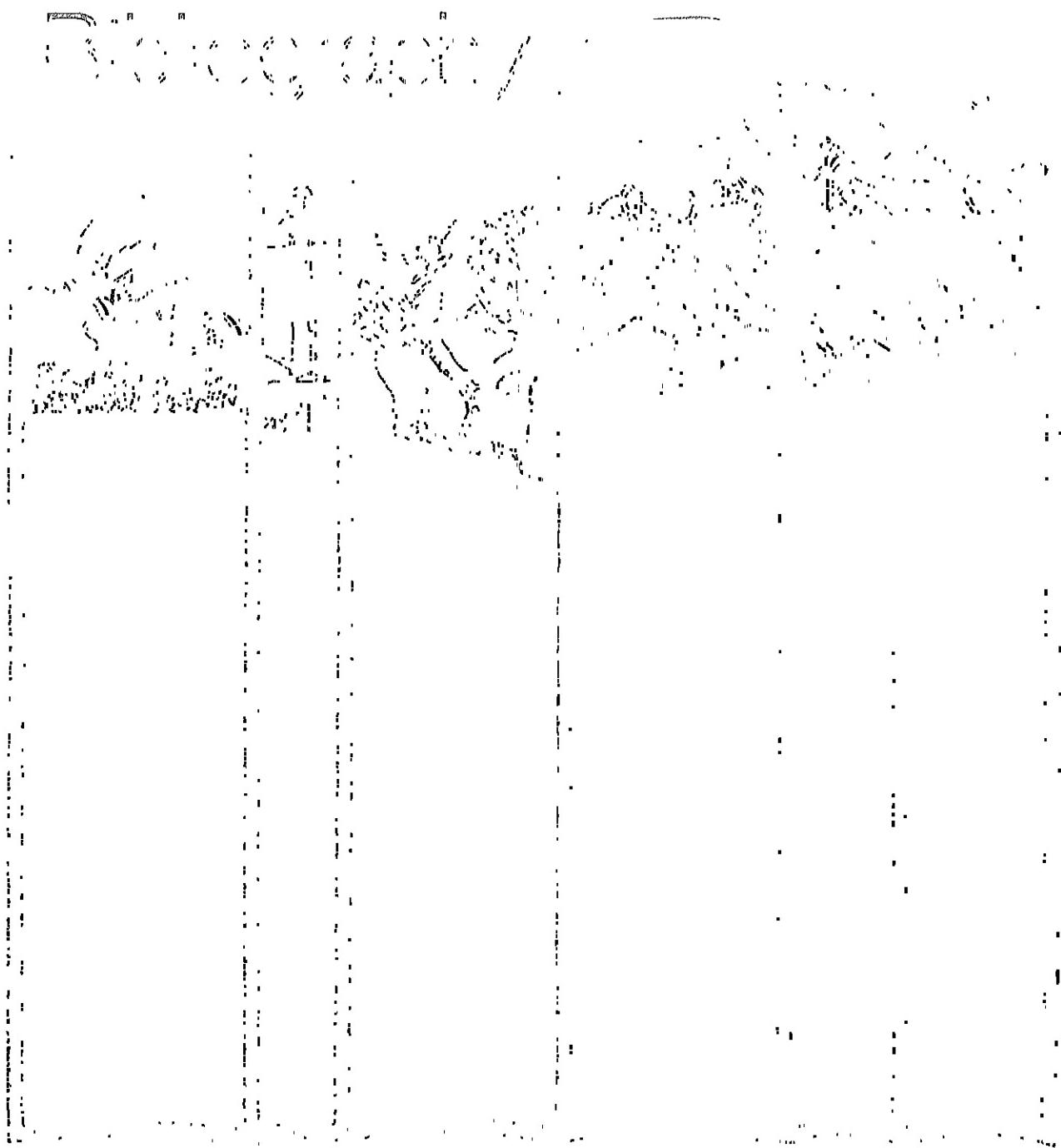
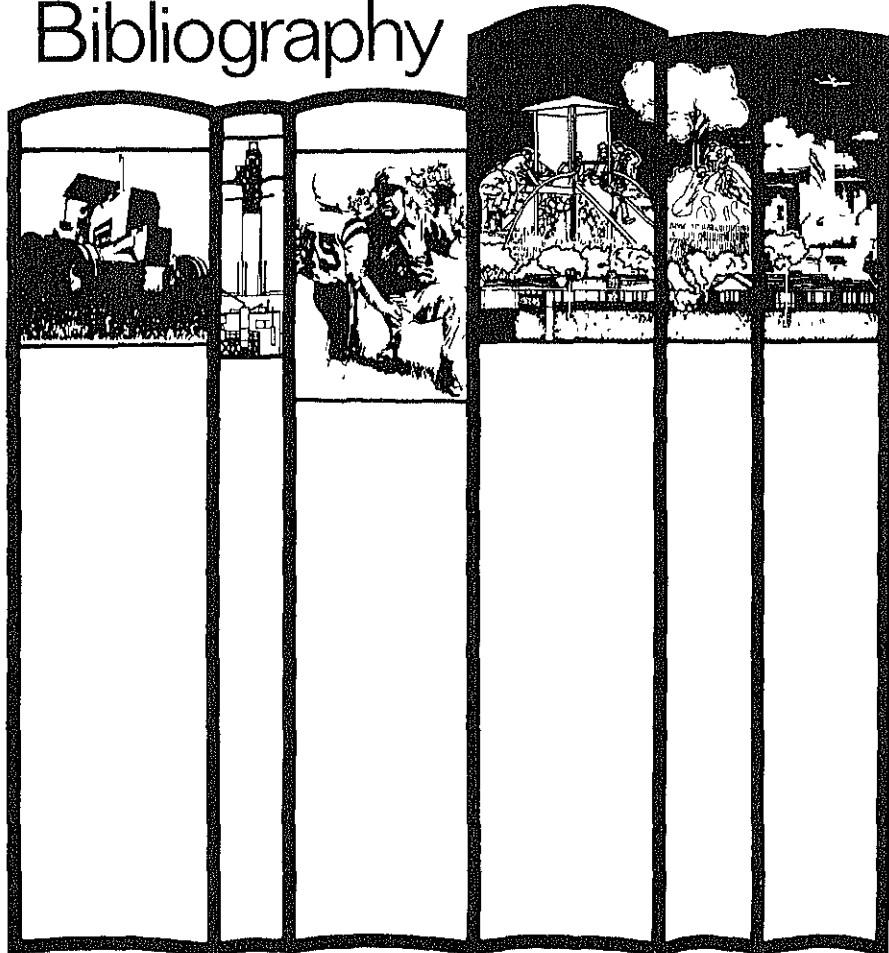


# Land Use



References To Reports And Other Documents Issued By The U.S. General Accounting Office  
RCED January 1984 - December 1984

# Land Use Bibliography



**References To Reports And Other Documents Issued By The U.S. General Accounting Office  
RCED January 1984 - December 1984**

U.S. GENERAL ACCOUNTING OFFICE  
WASHINGTON, D.C. 20548

MAY 1985

RCED-85-119

**U.S. General Accounting Office**

**Charles A. Bowsher**  
Comptroller General of the United States

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## **FOREWORD**

Land; its ownership; and how its use is planned, managed and controlled is a complex and highly controversial subject because it is the primary element necessary for determining growth and development. It involves population and economic growth; multiple use of land and resources; controversies over trade-offs between competing land uses; individual aspirations and rights versus the public good; and federal, state, and local government rights and responsibilities.

This bibliography includes information on U.S. General Accounting Office (GAO) documents directly related to land use planning, management, and control released between January 1984 and December 1984. A companion bibliography (RCED-84-153) includes documents released between January 1979 and December 1983.

Although the Resources, Community, and Economic Development Division (RCED) is GAO's lead division for reviews of land use issues, a broad interrelationship exists between the land use area and other issue areas addressed by GAO such as energy, materials, food transportation, and environment. This bibliography, therefore, includes information on documents issued by other GAO divisions and offices that have linkages to land use planning, management, and control.

We hope that the bibliography will be useful for general information and research purposes and for understanding issues in the land use areas that are being addressed by GAO. Questions regarding its contents should be directed to Michael Gryszkowiec, Associate Director, RCED, Room 4905, GAO Building, 441 G Street, NW Washington, DC 20548, (202) 275-5514. Readers interested in ordering individual documents in the land use or other areas, or in requesting bibliographic searches on a specific topic, should call GAO Document Handling and Information Services (202) 275-6241. The cards included in this book may be used to order documents.

J. Dexter Peach  
Director  
Resources, Community, and Economic  
Development Division



## **INTRODUCTION**

This **Land Use Bibliography** contains citations and abstracts of land-related documents released by the U.S. General Accounting Office (GAO) from January 1984 through December 1984. Included are references to audit reports, staff studies, speeches, testimonies, Comptroller General decisions, and other GAO documents. This bibliography can be used for a variety of purposes, including in-depth research into a specific topic, searching for a particular document, maintaining current awareness, and general browsing.

### **HOW TO USE THE BIBLIOGRAPHY**

The bibliography is organized in two sections, a CITATION SECTION (white pages) and an INDEX SECTION (yellow pages).

The CITATION SECTION consists of brief descriptions of the documents and often includes an informative abstract. Some or all of the following information is in each citation, as appropriate:

- o **Title/Subtitle**
- o **Type, date, and pagination of the document**
- o **Author/Witness**
- o **GAO Issue Areas**
- o **Agencies/Organizations concerned**
- o **Congressional Committees, Agencies/Members to whom the document is specifically relevant**
- o **Law and/or related statutory/regulatory authorities upon which the document is based**
- o **GAO contact**

The INDEX SECTION is the key for locating references to land-related documents cited in this bibliography. It is comprised of three separate indexes that classify information according to:

#### **Subject**

#### **Agency or organization**

(Includes both federal agencies and nongovernmental corporate bodies)

#### **Congressional affiliation**

(Includes entries under relevant congressional committees and individual Representatives and Senators)

Reference from the index entries to the corresponding citations is provided by a unique six-digit accession number assigned to each citation. The accession number should also be used to request copies of the document described in the CITATION SECTION.

A sample entry is shown opposite page one of the CITATION SECTION and at the beginning of each index.



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## **CITATION SECTION**

# SAMPLE CITATION

Accession Number  
(Invented titles are bracketed) 123786 Document/Report Number

Document Date 123786 Document/Report Number  
*The Bureau of Land Management Should Follow Fair Market Value Requirements in Selling Land in Las Vegas, NV.* RCED-84-127, March 27, 1984 26 pp Pagination

Type of Document Report to Rep. Michael L. Synar, Chairman, House Committee on Government Operations: Environment, Energy and Natural Resources Subcommittee; by Charles A. Bowsher, Comptroller General

Addressee Refer to Testimony, March 27, 1984, Accession Number 123786 Author

GAO Issue Area (Code Numbers in Parentheses) Issue Area: Land Use Planning and Control: Effectiveness of Policies, Procedures, and Practices for Determining Federal Land Ownership Patterns (2321), Facilities and Material Management: Non-Line-of-Effort Assignments (0751)

Budget Function (Code Numbers in Parentheses) Contact: Resources, Community, and Economic Development Division GAO Contact

Agency/Organization Concerned Organization Concerned: Bureau of Land Management; Forest Service; Department of Agriculture; Department of the Interior.

Congressional Relevance Congressional Relevance: House Committee on Appropriations; Interior Subcommittee, House Committee on Interior and Insular Affairs, House Committee on Government Operations: Environment, Energy and Natural Resources Subcommittee; Senate Committee on Appropriations; Interior Subcommittee, Senate Committee on Energy and Natural Resources, Rep. Michael L. Synar.

Legislative Authority Authority: Santini-Burton Act of 1980 (P.L. 96-586; 94 Stat 3381) Land Policy and Management Act (P.L. 94-579). 43 C.F.R. 2710 43 C.F.R. 2711.3, 43 C.F.R. 2712. BLM Order 701 Findings/Conclusions

Abstract Abstract: Pursuant to a congressional request, GAO evaluated procedures used by the Bureau of Land Management (BLM) to sell land in Las Vegas, Nevada, to determine whether BLM complied with federal requirements that land be sold for no less than its fair market value. Fair market value is defined as the price for which a property would be sold by an informed owner willing, but not obligated, to sell to an informed buyer willing, but not obligated, to buy. Findings/Conclusions: GAO found that the BLM preferred sale procedure is an auction, followed by over-the-counter sales of land parcels not sold at auction. BLM sets the minimum bid for each parcel before the auction. The minimum acceptable bid is usually the fair market value. Because of concern over lagging sales at auctions, BLM reduced by 15 percent the appraised fair market value for 46 parcels of land. BLM believed that the lower prices complied with federal requirements because the reduced prices represented the fair market value for a 1-day sale. BLM believed that it needed to sell the land quickly to provide revenue for Forest Service land acquisitions. However, funds for the Forest Service acquisitions were appropriated from the Land and Water Conservation Fund and, while BLM is required to reimburse these appropriations, it does not have to do so until 1995. Consequently, GAO believes that BLM did not need to discount land to sell it quickly and that, by discounting land in the Nevada sales, BLM did not comply with fair market value requirements. Recommendations to Agencies: The Secretary of the Interior should direct BLM to sell land in Las Vegas, Nevada, in accordance with federal fair market value requirements. This would not preclude BLM from changing its regulations in the future as provided by the Santini-Burton Act.

**123167**

*Update on Army Corps of Engineers' Planning and Designing Time for Water Resources Projects.* RCED-84-16; B-212140 January 4, 1984 12 pp

*Report to Sen. Robert T. Stafford, Chairman, Senate Committee on Environment and Public Works, by J. Dexter Peach, Director, GAO Resources, Community, and Economic Development Division*

Refer to RCED-83-49, January 2, 1983, Accession Number 121038; and CED-78-179, September 22, 1978, Accession Number 107375.

**Issue Area:** Water and Water Related Programs. Economy and Efficiency in the Development and Rehabilitation of Water Projects (2514)

**Contact:** Resources, Community, and Economic Development Division.

**Budget Function:** Natural Resources and Environment: Water Resources (301 0)

**Organization Concerned:** Department of the Army; Department of the Army: Corps of Engineers

**Congressional Relevance:** Senate Committee on Environment and Public Works; Sen. Robert T. Stafford.

**Authority:** Flood Control Act of 1970 (42 U.S.C. 1962 et seq.). S. 1031 (98th Cong.). S. 1739 (98th Cong.). H.R. 3678 (98th Cong.). S. 1554 (98th Cong.)

**Abstract:** Pursuant to a congressional request, GAO reported on the time required to plan and design the Army Corps of Engineers' water resources projects. *Findings/Conclusions:* GAO found that the authorization and appropriation process for water resources projects has remained essentially unchanged since 1978. In that year, GAO reported that it took an average of 25.9 years for the Corps' flood control projects to progress from initial survey authorization to start of construction. Currently, this process averages 29.4 years. The Corps has a backlog of water resources projects because many more projects have been authorized for preconstruction planning and engineering than can be sufficiently funded under current water resources development spending levels. The 1978 report presented options to the existing authorization and appropriation process which could eliminate much of the time spent awaiting authorization or funding of feasibility studies and project construction. In a January 1983 report, GAO presented options to lessen the backlog problem and provide for more timely completion of projects, including increasing the annual water project funding and requiring the non-Federal sector to contribute a more substantial portion of project costs. Bills pending before Congress would also affect the Corps' water projects by providing for cost-sharing, increased cost recovery for operating, maintaining, and constructing waterways, and deauthorization of some projects.

**123221**

*[Request for Remission of Damages Assessed Under Corps of Engineers Contract].* B-213822. January 17, 1984. 1 p.

*Decision re:* Alan Stone Co.; by Milton J. Socolar, Acting Comptroller General.

**Contact:** Office of the General Counsel.

**Organization Concerned:** Alan Stone Co.; Department of the Army: Corps of Engineers: Huntington District, WV.

**Authority:** B-203315 (1981). 10 U.S.C. 2312.

**Abstract:** A firm requested the remission of damages assessed under a contract awarded by the Army Corps of Engineers. The damages were imposed on the firm for failure to complete its contract on time. A favorable recommendation by the head of the contracting agency is a prerequisite to any remission action by GAO. Since the Army recommended denial of the request,

**123267**

*[Protest Alleging Forest Service Improperly Refused To Accept Application for Oral Bid].* B-214035 January 24, 1984 3 pp. *Decision re:* Leroy Valentine, by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General).

**Contact:** Office of the General Counsel.

**Organization Concerned:** Forest Service

**Authority:** 36 C.F.R. 223 6(b). Forest Service Manual 2431 74-6. B-212514 2 (1983).

**Abstract:** A prospective bidder on a timber sale protested that the Forest Service improperly refused to accept his application for an oral bid and did not hold the sale at the location specified in its notice. The auctioning officer noticed that the protester's sealed bid did not include any price. Therefore, this bid was rejected as nonresponsive and the officer refused to let the protester participate in an oral auction. GAO found that these actions were proper because a bidder must submit a written sealed bid equal to the minimum acceptable price specified to participate in an oral auction. Without a price, the protester's written bid did not meet this criterion. In addition, GAO failed to see how the change in location prejudiced the protester or provided him a basis for protest since the new location was nearby and prospective bidders were properly directed to the new location. Accordingly, the protest was denied.

**123308**

*[DOE Needs To Evaluate Fully the Waste Management Effects of Extending the Useful Life of Nuclear Fuel].* RCED-84-111, B-202377. January 27, 1984. Released February 3, 1984 10 pp.

*Report to Rep. Richard L. Ottinger, Chairman, House Committee on Energy and Commerce Energy Conservation and Power Subcommittee; by J. Dexter Peach, Director, GAO Resources, Community, and Economic Development Division*

**Issue Area:** Energy: Effect of Federal Regulation on the Electric Utility Industry (1670)

**Contact:** Resources, Community, and Economic Development Division.

**Budget Function:** Energy: Energy Supply (271 0)

**Organization Concerned:** Department of Energy, Nuclear Regulatory Commission.

**Congressional Relevance:** House Committee on Appropriations: Energy and Water Development Subcommittee; House Committee on Science and Technology; House Committee on Energy and Commerce: Energy Conservation and Power Subcommittee; Senate Committee on Appropriations: Energy and Water Development Subcommittee; Senate Committee on Energy and Natural Resources; Rep. Richard L. Ottinger

**Authority:** Nuclear Waste Policy Act of 1982 (P.L. 97-425; 42 U.S.C. 10101 et seq.; 96 Stat. 2201; 96 Stat. 2201).

**Abstract:** GAO determined whether the Department of Energy (DOE) needs to do more to evaluate the potential impact of extended nuclear fuel burnup under its program for accepting spent commercial nuclear fuel under the Nuclear Waste Policy Act. *Findings/Conclusions:* GAO found that, although DOE supports commercial utilities' creating their own storage programs which extend the useful life of nuclear fuel, it is uncertain whether the industry will pursue and develop such programs. GAO believes that DOE should continue to improve the spent fuel use and storage at commercial powerplants. In fiscal year 1984, Congress appropriated \$4.5 million dollars for DOE to continue its participation in the program. **Recommendation To Agencies:** The Secretary of Energy should complete a full evaluation of the potential to extend fuel burnup and the effects on DOE

considering the merits of continued government funding of the DOE extended fuel burnup program in terms of (1) the potential budgetary costs; (2) the potential benefits and beneficiaries; and (3) the likelihood that the nuclear industry would continue extending fuel burnup. The Secretary of Energy should complete a full evaluation of the potential to extend fuel burnup and the effects on DOE efforts to subsequently manage the higher burnup fuel by quantifying, to the extent possible, the effect of increases in fuel burnup on its spent fuel acceptance schedule, and clearly identify the potential impact on its requirements for providing the necessary facilities and services to carry out the Nuclear Waste Policy Act. The Secretary of Energy should report the results of this evaluation to cognizant congressional committees (1) for their consideration of the DOE Mission Plan for carrying out the Nuclear Waste Policy Act; and (2) as another factor for their fiscal year 1985 budget deliberations on whether to continue funding for the DOE extended burnup program.

#### 123310

*[Evaluation of Department of the Interior Comments on GAO's Report on the Powder River Basin Coal Sale].* B-208410. January 27, 1984. 3 pp. plus 1 enclosure (30 pp.).

Report to Sen. Mark O. Hatfield, Chairman, Senate Committee on Appropriations; by Charles A. Bowsher, Comptroller General.

Refer to RCED-83-119, May 11, 1983, Accession Number I21359.

**Issue Area:** Energy: Availability of Federal Lands To Help Meet the Nation's Energy Needs (1628); Land Use Planning and Control: More Effective and Efficient Management of Federally Owned Lands To Meet Competing Demands and Preserve Natural Resources (2323).

**Contact:** Office of the Comptroller General.

**Budget Function:** Energy: Energy Supply (271.0).

**Organization Concerned:** Department of the Interior; Commission on Fair Market Value Policy for Federal Coal Leasing.

**Congressional Relevance:** Senate Committee on Appropriations; Sen. Mark O. Hatfield.

**Abstract:** GAO presented its evaluation of the Department of the Interior's comments on a GAO report which analyzed the Powder River Basin federal coal lease sale. **Findings/Conclusions:** Although Interior agreed with a number of the GAO recommendations as well as other parts of the report, it raised strong objections to the contention by GAO that Powder River leases sold for about \$100 million less than their fair market value and disagreed with the recommendation to postpone scheduled lease sales until deficiencies in its fair market value determination procedures are corrected. Interior has made progress toward procedural improvements as recommended by GAO and is committed to other changes as recommended by the Commission on Fair Market Value Policy for Federal Coal Leasing. GAO stated that, while it used Interior's appraisal method for valuing coal tracts, it did eliminate certain adjustments from Interior's analysis which yielded the \$100 million figure. Furthermore, Congress has decreed that sales will be postponed until after the commission issues its report. GAO emphasized that there is a need to develop the best possible procedures to ensure receipt of fair market value without improper influence by Interior.

#### 123357

*DOD Can Make Further Progress in Controlling Pollution From Its Sewage Treatment Plants.* NSIAD-84-5; B-166506. February 3, 1984. 35 pp. plus 3 appendices (19 pp.).

Report to Caspar W. Weinberger, Secretary, Department of Defense; by Frank C. Conahan, Director, GAO National Security and International Affairs Division.

**Issue Area:** Facilities and Material Management: Effectiveness of Federal Agencies in Operating and Maintaining Their Facilities (0725); Environmental Protection Programs Improvement of the Regulation of Dangerous Pesticides and Chemicals (2225)

**Contact:** National Security and International Affairs Division.

**Budget Function:** Natural Resources and Environment: Pollution Control and Abatement (304.0); National Defense, Department of Defense - Military (Except Procurement and Contracting) (051.0).

**Organization Concerned:** Department of Defense; Department of the Navy; Department of the Army, Department of the Air Force.

**Congressional Relevance:** House Committee on Appropriations, Military Construction Subcommittee, House Committee on Armed Services; Senate Committee on Appropriations: Military Construction Subcommittee; Senate Committee on Armed Services.

**Authority:** Water Pollution Control Act Amendments of 1972 (Federal) (33 U.S.C. 1151; P.L. 92-500). Executive Order 12088.

**Abstract:** GAO evaluated Department of Defense (DOD) efforts to control pollution from its sewage treatment plant operations and attempted to determine whether DOD plants are meeting Environmental Protection Agency (EPA) discharge permit requirements. **Findings/Conclusions:** GAO found that, while DOD has made great efforts to improve its sewage treatment plants, these efforts have not been fully successful because: (1) the services have not always selected the most cost-effective treatment methods available; and (2) plant upgrades and modifications often have serious design and construction flaws that reduce plant efficiency. Major upgrades have occurred in the last 10 years at 11 of the 13 plants visited by GAO, but many of the upgraded plants are not meeting the sewage treatment levels expected because of design deficiencies. In addition, 11 of the 13 plants had been unable to consistently meet National Pollution Discharge Elimination System permit requirements. GAO identified problems leading to noncompliance, including: (1) lack of specific guidance on how to ensure adequate operation, maintenance, and compliance; (2) lack of followup on problems found by DOD, EPA, and state environmental inspectors; (3) equipment deficiencies; (4) infiltration and inflow problems; and (5) deficient operation and maintenance practices.

**Recommendation To Agencies:** To guarantee that the most cost-effective sewage treatment methods are used, the Secretary of Defense should ensure that the services comply with DOD policy by carefully evaluating all feasible treatment alternatives, including regional or municipal tie-ins. To guarantee that the most cost-effective sewage treatment methods are used, the Secretary of Defense should require the services to provide written justifications supporting the selection of sewage treatment alternatives that differ from those recommended by cost-effectiveness studies. To guarantee that the most cost-effective sewage treatment methods are used, the Secretary of Defense should study and pilot test making one party responsible under contract for designing and constructing a treatment plant and for demonstrating, with plant operators, that the plant will meet discharge permit requirements before turning over the plant to the services for operation. The Secretary of Defense should direct and assist the services as necessary to provide more specific guidance to their bases on how to ensure adequate plant operation and maintenance in order to be in compliance with permit requirements. The Secretary of Defense should require the service secretaries to establish some formal means of ensuring that deficiencies identified at sewage treatment plants are followed up and corrected in a timely manner. The Secretary of Defense should revise DOD and service regulations to require a provision for operations and maintenance manuals to be in all military construction authorization documents (1391's) for improving sewage treatment. The

Secretary of Defense should work with the Office of Personnel Management to revise the staffing guidelines for sewage treatment plants because of the ever increasing complexity of the treatment plants and processes.

#### 123436

[*Thermal Analysis of Mass Concrete Structures: Lock and Dam No. 26 (Replacement) Project*]. RCED-84-87; B-214229. February 17, 1984. 2 pp. plus 1 enclosure (8 pp.).

*Report to John O. Marsh, Jr., Secretary, Department of the Army; by J. Dexter Peach, Director, GAO Resources, Community, and Economic Development Division.*

**Issue Area:** Water and Water Related Programs: Economy and Efficiency in the Development and Rehabilitation of Water Projects (2514).

**Contact:** Resources, Community, and Economic Development Division.

**Budget Function:** Natural Resources and Environment: Water Resources (301.0).

**Organization Concerned:** Department of the Army: Corps of Engineers; Bureau of Reclamation; Department of the Army.

**Abstract:** During a review of the Army Corps of Engineers Lock and Dam No. 26 (Replacement) Project, GAO observed that the Corps is using outdated thermal analysis techniques. **Findings/Conclusions:** GAO found that state-of-the-art finite element computer programs are currently used by large consulting firms and Federal agencies for thermal analysis of mass concrete structures. In acknowledgment of their lack of experience with such thermal analysis programs, the Corps consulted with the Bureau of Reclamation and initiated a research and development program to study concrete cracking. The Corps stated that to use state-of-the-art programs on the first stage of the Lock and Dam No. 26 Project is impractical because it is nearly completed. However, the Corps is considering the feasibility of such programs in the second stage. The Corps recognizes the need for an expanded thermal analysis manual and a reassessment of its capability in this area. Because of the Corps' actions, GAO is not making any recommendations at this time.

#### 123443

[*Interior's FY 1982 Report on Alternative Bidding Systems*]. RCED-84-5; B-207556. January 16, 1984. Released February 16, 1984. 5 pp.

*Report to Rep. Michael L. Synar, Chairman, House Committee on Government Operations: Environment, Energy and Natural Resources Subcommittee; by J. Dexter Peach, Director, GAO Resources, Community, and Economic Development Division.*

**Issue Area:** Energy: Management of Leased Federal Lands (1629).

**Contact:** Resources, Community, and Economic Development Division.

**Budget Function:** Energy: Energy Supply (271.0).

**Organization Concerned:** Department of the Interior.

**Congressional Relevance:** House Committee on Government Operations: Environment, Energy and Natural Resources Subcommittee; Rep. Michael L. Synar.

**Authority:** Outer Continental Oil Shelf Lands Act (P.L. 83-212). Department of the Interior Appropriations Act, 1982 (P.L. 97-100). P.L. 95-372.

**Abstract:** In response to a congressional request, GAO reviewed the Department of Interior's fiscal year 1982 report to Congress on the use of alternative bidding systems in leasing offshore lands to determine whether the report adequately met the statutory requirements of the Outer Continental Shelf (OCS) Lands Act which requires Interior to award contracts through bidding

systems to increase competition in the lease sales and to report on the effects of using these bidding systems. **Findings/Conclusions:** GAO found that the report met the statutory reporting requirements of the act with two exceptions (1) it did not include Interior's recommendations for promoting competition for OCS lands; and (2) it did not provide the Department of Justice's views on the competitive aspects of the OCS lease sales. Both of these requirements were inadvertently overlooked but will be included in future reports. A number of areas for improving the next annual report which GAO suggested to Interior will be included in future reports.

#### 123445

[*Interior Department Activities Concerning Proposed Natural Gas Tight Formations in Montana*]. RCED-84-10; B-214062. January 27, 1984. Released February 10, 1984. 6 pp. plus 5 enclosures (18 pp.).

*Report to Sen. Max S. Baucus; by J. Dexter Peach, Director, GAO Resources, Community, and Economic Development Division.*

**Issue Area:** Energy: Federal Regulation of Natural Gas Prices and Uses (1611); Intergovernmental Policies and Fiscal Relations: Assessing the Impact of Federally Mandated Standards and Costs on State and Local Governments (0410).

**Contact:** Resources, Community, and Economic Development Division.

**Budget Function:** Energy: Energy Information, Policy, and Regulation (276.0).

**Organization Concerned:** Department of the Interior: Minerals Management Service; Department of Energy; Montana; Petroleum Corp. of America.

**Congressional Relevance:** Sen. Max S. Baucus.

**Authority:** Natural Gas Policy Act of 1978 (15 U.S.C. 3301 et seq.). Administrative Procedure Act (5 U.S.C. 551 et seq.).

**Abstract:** In response to a congressional request, GAO answered questions relating to a petroleum firm's application for the designation of proposed natural gas formations as tight formations. Under the provisions of the Natural Gas Policy Act, gas produced from tight formation areas may qualify for higher prices. The Minerals Management Service had first recommended that the State responsible for the land not designate the area for tight formations and then reversed its position after meeting with the firm's representatives. **Findings/Conclusions:** GAO could find no regulation which prohibited the Minerals Management Service's staff from meeting with the petroleum firm's representatives. GAO found that the original recommendation that the areas not be designated as tight formation areas contained factual errors, including an incorrect description of the area. After a meeting with the firm's representatives, the agency's staff revised its recommendation to correct the errors and, after analysis of additional information, reversed its recommendation. However, the agency's recommendation to the State did not give the reason for the reversal or indicate that the previous objections were no longer valid. In addition, GAO found that the positive recommendation was not well supported by agency analysis and the applicant had failed to present adequate supporting documentation for its request.

#### 123451

[*Protest of Air Force Interim Leases*]. B-214279. February 22, 1984. 2 pp.

*Decision re: Nikiski Marine, Inc.; by F. Henry Barclay, Jr., (for Harry R. Van Cleve, Acting General Counsel).*

**Contact:** Office of the General Counsel.

**Organization Concerned:** Nikiski Marine, Inc.; Department of the Air Force; B-214279.

**Authority.** 4 C F R 21 2(a) 4 C F R 21 2(b)(2) 43 C F R 2911 49 U S C 211

**Abstract:** A firm protested the award of an interim lease for a deactivated Air Force facility to another entity, contending that it should have been awarded the lease on a noncompetitive basis, since it was the first firm to express interest in leasing the site and that other firms only became aware of the availability of the site for lease through the protester's application. GAO held that the protest was not timely filed, since the protest was not received by GAO until more than 3 years after the protester became aware of the basis for its protest. Accordingly, the protest was dismissed.

## 123462

*Meeting a Basic Human Need: AID's Rural Potable Water and Sanitation Program.* NSIAD-84-34, B-211720 February 21, 1984 44 pp plus 2 appendices (14 pp.)

**Report to** M Peter McPherson, Administrator, Agency for International Development; by Frank C. Conahan, Director, GAO National Security and International Affairs Division

**Issue Area:** International Affairs Increasing the Effectiveness of U S Humanitarian Assistance (0639)

**Contact:** National Security and International Affairs Division

**Budget Function:** International Affairs: Foreign Economic and Financial Assistance (151 0)

**Organization Concerned:** Agency for International Development.

**Congressional Relevance:** House Committee on Appropriations: Foreign Operations Subcommittee; House Committee on Foreign Affairs, Senate Committee on Appropriations: Foreign Operations Subcommittee, Senate Committee on Foreign Relations.

**Abstract:** GAO reviewed the Agency for International Development's (AID) potable water and sanitation activities in Ecuador, Indonesia, Malawi, Peru, and Tanzania. **Findings/Conclusions:** Between fiscal years 1978 and 1982, AID provided over \$161 million in development assistance for water supply and sanitation improvements, mostly in rural areas. In each country, GAO specifically examined the extent to which (1) assistance is reaching the intended users, (2) problems are being overcome; and (3) improvements in water quality and quantity are being measured. GAO found that low project priority in the host country, inadequate financial support, and cumbersome logistics contribute to slow progress. In Ecuador and Malawi, where there has been hosting country commitment and community participation, projects are being implemented nearly in accordance with plans. However, in Indonesia, Peru, and Tanzania, the development or improvement of basic water supply systems has been significantly delayed. GAO expressed concern that there was little information regarding improvements in water quality and quantity which have been made through U.S. assistance. GAO noted that studies by the World Bank concur with GAO observations.

**Recommendation To Agencies:** The Administrator, AID, should direct that project proposals objectively assess the resolve and capacity of the host country to implement and manage the projects and of communities to participate in installation activities. The Administrator, AID, should direct that implementation schedules objectively anticipate the common impediments to the timely installation of the facilities and the range of activities and services which can be accomplished and delivered during the life of the project. The Administrator, AID, should direct that operation and maintenance be given the same priority as construction of water supply and sanitation systems by implementing upkeep activities in tandem with the installation of the facilities. The operation and maintenance component should provide for, (1) adequate resources to meet recurring costs; (2) trained personnel to ensure that continued delivery of the intended level of service; and (3) user health education to promote continued upkeep.

Inherent in such a program is the need to develop the institutional support necessary to carry these activities forward. The Administrator, AID, should direct that changes in the quality, quantity, reliability, and convenience of the water be identified at least when the systems are inaugurated. This could be accomplished through the use of portable test equipment to measure improved sanitary quality and sanitary surveys to also identify improvements in the quantity, reliability, and convenience of the water over the traditional sources of supply. The format of the surveys should be standardized throughout the agency to emphasize the importance of this activity and promote the pursuit of this type of surveillance. The Administrator, AID, should direct that project goals and periodic evaluations stress the importance of providing a clean, adequate, continuous, and accessible supply of water as a means to improved health. Achieving these improvements could be an objective and identifiable measure of successful projects. The agency should pursue the health impact of water and sanitation projects on a case-by-case basis where the circumstances particularly merit the expenditure of resources for this purpose.

## 123541

*[Status of the DOD Installation Restoration Program at Mather Air Force Base and Sacramento Army Depot].* NSIAD-84-56, B-213706. February 29, 1984 5 pp

**Report to** Rep. Vic Fazio; by Frank C. Conahan, Director, GAO National Security and International Affairs Division.

**Issue Area:** Facilities and Material Management: Effectiveness of Federal Agencies in Operating and Maintaining Their Facilities (0725); Environmental Protection Programs: Effectiveness of Federal and State Programs in Reducing the Environmental and Health Dangers Posed by Hazardous and Solid Wastes (2221).

**Contact:** National Security and International Affairs Division

**Budget Function:** Natural Resources and Environment, Pollution Control and Abatement (304 0), National Defense: Department of Defense - Military (Except Procurement and Contracting) (051 0).

**Organization Concerned:** Department of Defense; Department of the Army; Department of the Air Force.

**Congressional Relevance:** Rep. Vic Fazio

**Abstract:** The Department of Defense's Installation Restoration Program (IRP) was established to: (1) identify and evaluate suspected problems associated with past hazardous waste disposal sites at military bases, and (2) control the migration of hazardous environmental contamination from those sites. Pursuant to a congressional request, GAO made a limited review of the status of IRP work at two military installations, an Air Force base and an Army depot. **Findings/Conclusions:** In studying IRP work at the Air Force base, GAO found that a 1982 report was issued which identified 20 disposal sites as having a potential for contamination migration, and additional work to determine the types and quantities of contamination is ongoing. Further, IRP work at the Army depot identified hazardous waste disposal sites in a 1979 report, and the Army concluded its work at the depot with a 1981 study that addressed the potential for environmental pollution at that installation. However, because State and local environmental regulatory agencies raised questions about that report, the Army resumed some additional IRP work at that base.

## 123543

*Effects on Users of Commercializing Landsat and the Weather Satellites.* RCED-84-93; B-214057. February 24, 1984. Released March 6, 1984. 42 pp. plus 1 appendix (11 pp.).

**Report to** Rep. Jack Brooks, Chairman, House Committee on Government Operations Legislation and National Security Subcommittee; Sen. Edward Zorinsky; Sen. Charles McC. Mathews

Sen. John C. Stennis; by Milton J. Socolar, Acting Comptroller General

**Issue Area:** Environmental Protection Programs. Effectiveness of Environmental Protection Regulatory Strategies and Their Balance With Other Priorities (2227)

**Contact:** Resources, Community, and Economic Development Division.

**Budget Function:** General Science, Space, and Technology: Space Science, Applications, and Technology (254.0)

**Organization Concerned:** National Oceanic and Atmospheric Administration.

**Congressional Relevance:** House Committee on Government Operations: Legislation and National Security Subcommittee; Rep. Jack Brooks; Sen. Charles McC. Mathias, Sen. John C Stennis; Sen. Edward Zorinsky.

**Authority:** P.L. 98-166.

**Abstract:** The Department of Commerce's National Oceanic and Atmospheric Administration operates two remote sensing satellite systems, the weather satellites and Landsat, which produce data for worldwide use. In March 1983, the administration announced its decision to transfer these satellites to private enterprise because it believes that commercialization will lead to better market development for these systems. Pursuant to congressional requests, GAO examined how these satellites are used worldwide and how their commercial operation might affect users. **Findings/Conclusions:** In November 1983, Congress enacted legislation to prevent the sale of the weather satellites. However, in terms of Landsat, GAO found that a change from Government to commercial operation could mean major changes for Landsat users. Although most domestic users believed that commercialization could affect them adversely, some believed that private control of the satellites could help improve service and increase the marketing of data. On the other hand, foreign governments were concerned that a commercial operation might change data distribution arrangements, depending on the economic motives of private operators. Based on these observations, GAO concluded that Congress should consider whether the sales terms proposed by the administration adequately protect the interests of Landsat users in the United States and abroad.

#### 123544

*[Status of the General Accounting Office Reviews Concerning EPA's Superfund Activities].* March 1, 1984. 10 pp.

**Testimony before the House Committee on Energy and Commerce: Commerce, Transportation, and Tourism Subcommittee;** by Hugh J. Wessinger, Senior Associate Director, GAO Resources, Community, and Economic Development Division.

**Contact:** Resources, Community, and Economic Development Division.

**Organization Concerned:** Environmental Protection Agency.

**Congressional Relevance:** House Committee on Energy and Commerce: Commerce, Transportation, and Tourism Subcommittee.

**Authority:** H.R. 4813 (98th Cong.).

**Abstract:** Testimony was given concerning GAO reviews of the Environmental Protection Agency's (EPA) Superfund program which focused on: (1) State experiences with waste-end taxes and some of the implementation problems that might be encountered if there were a similar Federal tax; (2) the EPA estimate of the cost to clean up the Nation's worst hazardous waste sites; (3) the success of the Superfund removal program in responding to immediate hazardous waste threats; and (4) the progress being made by EPA to clean up three hazardous waste sites. The objectives of the waste-end tax systems of three States are to raise revenue to finance the cleanup of abandoned hazardous waste sites and encourage desirable waste management practices. GAO found that none of the three States have collected the

revenue that they anticipated. Furthermore, GAO could not determine how successful the States have been in encouraging desirable waste management practices because of a lack of data and analysis. The successful implementation of a Federal waste-end tax will require more information than is now available. EPA has estimated that 1,400 to 2,200 of the Nation's most hazardous waste sites will likely require cleanup at a cost between \$8.4 and \$16 billion. However, GAO stated that these estimates are based upon assumptions that are difficult to confirm. GAO found that the Superfund removal responses may not represent the best use of limited resources, address the identified hazards effectively, or support long-term cleanup goals. Finally, GAO found that the site cleanup work at three National Priority List sites which predated Superfund is still not completed because a cleanup feasibility study has to be redone, additional studies are needed, and there has been incomplete waste removal and delayed fencing. Although the National Contingency Plan states that the cleanup actions selected should be cost effective, there is a lack of environmental standards for use in making cost-effectiveness determinations. Absent cleanup standards, GAO was unable to determine if the most cost-effective remedies are being selected.

#### 123552

*[Information on the Forest Service Road Construction Program].* RCED-84-99; B-214182. February 14, 1984. Released February 17, 1984. 4 pp. plus 2 appendices (15 pp.).

**Report to Sen. James A. McClure, Chairman, Senate Committee on Appropriations: Interior Subcommittee; by J. Dexter Peach, Director, GAO Resources, Community, and Economic Development Division.**

**Issue Area:** Land Use Planning and Control: Improving the Efficiency, Economy, and Cost Effectiveness of Federal Timber Management Practices (2322).

**Contact:** Resources, Community, and Economic Development Division.

**Budget Function:** Natural Resources and Environment: Conservation and Land Management (302.0).

**Organization Concerned:** Forest Service; Department of Agriculture.

**Congressional Relevance:** Senate Committee on Appropriations: Interior Subcommittee; Sen. James A. McClure.

**Authority:** Forest Management Act.

**Abstract:** In response to a congressional request, GAO provided information regarding: (1) suggestions for improving the Forest Service's presentation and justification of its road construction budget; and (2) data on the Forest Service's recently revised guidelines and road construction standards. **Findings/Conclusions:** The Forest Service has traditionally presented its road construction appropriation budget request as one line item, lump sum dollar request. In response to congressional concern over the lack of information provided, its fiscal year 1984 budget displayed the functional categories into which the appropriated funds would be allocated. GAO suggested a further revision of the budget presentation that would require the agency to divide the budget request between certain functional categories and assign an appropriate dollar amount to each category. The dollar amount for each category would then be subdivided between the principal uses of the requested appropriations. Using this format, the agency would be in a position to supplement this information with data that would compare the intended use with the actual use of the funds which would assist agency officials in providing a more meaningful explanation of the use of program funds. In September 1982, the Forest Service issued revised policy and guidelines for the design of forest development roads and its technical handbook dealing with forest road design. It also began testing a value analysis technique to identify cost-effective alternatives in its road construction program; however, it is too early to evaluate the economic merits of the actions.

**123581**

[*EPA and State Progress in Administering the National Pollutant Discharge Elimination System Permit Program*]. March 7, 1984. 10 pp.

**Testimony** before the House Committee on Public Works and Transportation Investigations and Oversight Subcommittee; by Hugh J. Wessinger, Senior Associate Director, GAO Resources, Community, and Economic Development Division.

**Contact:** Resources, Community, and Economic Development Division.

**Organization Concerned:** Environmental Protection Agency.

**Congressional Relevance:** House Committee on Public Works and Transportation Investigations and Oversight Subcommittee.

**Authority:** Clean Water Act of 1977

**Abstract:** Testimony was presented on the management of the National Pollutant Discharge Elimination System permit program, which is the principal means of controlling the Nation's water pollution. GAO stated that noncompliance with permit limits for both industrial and municipal wastewater dischargers remains widespread, frequent, and significant. The persistence of noncompliance compromises the water quality and related environmental benefits of the billions of dollars invested in the construction and operation of wastewater treatment facilities. The Environmental Protection Agency (EPA) and State agencies rely heavily on discharge monitoring reports (DMR's) to inform them of permit noncompliance, and not submitting or submitting incomplete DMR's could conceal serious discharge noncompliance. Of the 531 major municipal and industrial dischargers reviewed by GAO, 8 percent did not submit one or more DMR's and 37 percent submitted one or more incomplete DMR's over an 18-month period. Further, the accuracy of DMR data is questionable in many cases. Compliance with permit conditions is the primary goal of enforcement action. GAO found many instances of noncompliance that continued for extended periods before formal enforcement action was taken and, in some cases, continued for years even after enforcement action had been taken. Thousands of applicants have not been given discharge permits, and thousands of dischargers hold expired permits; these situations reduce the potential of the permit program to control and reduce water pollution. GAO believes that the program's problems will likely continue because their underlying causes involve limited resources at both the Federal and State levels.

closed prematurely while another firm was attempting to bid; and (2) the Forest Service is required to resell the timber at the highest obtainable price and to mitigate the damages to be assessed. The Forest Service stated that the procedures used during the auction were proper and that the protester should not be considered an interested party under bid protest procedures. GAO agreed with the Forest Service that the protester was not an interested party for the purposes of protesting the auction procedures, since it was not eligible to bid. Exclusion from resales of bidders who fail to complete timber sale contracts is permitted by Forest Service regulations. Therefore, the protester's bid was properly rejected. Whether the resale price was reasonable and whether the Forest Service reasonably attempted to mitigate the damages are questions which must be resolved by a board of contract appeals. Accordingly, the protest was dismissed.

**123643**

[*Protest of Use of Allegedly Improper Procedures During Forest Service Sale*]. B-213936. March 15, 1984. 3 pp.

**Decision re:** Seaboard Lumber Co.; by Harry R. Van Cleve, Acting General Counsel.

**Contact:** Office of the General Counsel.

**Organization Concerned:** Seaboard Lumber Co.; Forest Service

**Authority:** Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.). 4 C.F.R. 21.1(a). 36 C.F.R. 223.5(h)(1). 58 Comp. Gen. 111. Siller Brothers, Inc. v. United States, 655 F.2d 1039 (Ct. Cl. 1981). B-212772 (1983).

**Abstract:** A firm protested the Forest Service's use of allegedly improper procedures during a timber resale auction. The protester had breached a contract for the sale of the same timber, and the Forest Service canceled its contract and stated that damages would be assessed against it. In addition, the Forest Service forbade the protester to bid at the resale auction and required other bidders to certify that they were not affiliated with the protester. Nevertheless, the protester submitted a bid which was rejected and returned. The protester alleged that: (1) the auction was

**123647**

[*Electronic Marketing of Agricultural Commodities: An Evolutionary Trend*]. RCED-84-97; B-214420. March 8, 1984. Released March 12, 1984. 15 pp. plus 2 appendices (2 pp.).

**Report to:** Rep. Parren J. Mitchell, Chairman, House Committee on Small Business; by J. Dexter Peach, Director, GAO Resources, Community, and Economic Development Division.

**Issue Area:** Food: Need for Federal Action To Improve Efficiency in Food Marketing (1740); Consumer and Worker Protection: FTC's Role for Protecting Consumers From Unfair or Deceptive Trade Practices (0928).

**Contact:** Resources, Community, and Economic Development Division.

**Budget Function:** Agriculture: Agricultural Research and Services (352.0).

**Organization Concerned:** Department of Agriculture.

**Congressional Relevance:** House Committee on Small Business; Rep. Parren J. Mitchell.

**Authority:** Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.).

**Abstract:** In response to a congressional request, GAO reported on the efforts of the Department of Agriculture (USDA) to develop electronic marketing for agricultural commodities, the benefits and problems of electronic marketing, and the status of electronic marketing in agriculture. **Findings/Conclusions:** USDA is monitoring the use of electronic systems in marketing livestock, providing educational activities to persons interested in learning about electronic marketing systems, and funding pilot projects to demonstrate the feasibility of computerized electronic marketing. Overall, the projects demonstrated that agricultural commodities can be traded electronically and that electronic marketing is a feasible alternative to current marketing systems. However, the studies showed that, to be successful and economically viable, trading volume must be sufficient to cover the fixed and operating costs of an electronic market as well as to attract and keep traders in the system. The projects showed that electronic marketing improved market information, increased marketing efficiency, increased competition, and increased access to the market for both buyers and sellers. In addition, transportation costs are lower because an electronic market eliminates the need for central assembly of products prior to sale. Some of the problems associated with electronic marketing include concerns that: products cannot be adequately described, personal interchange will be lost, buyers and sellers will not perform according to the terms stipulated in the trade, and that electronic marketing is not cost-effective. In addition, some potential users are unwilling to participate or see no advantage in participating.

**123652**

[*Protest of Corps of Engineers' Proposed Award of Indefinite-Term Requirements Contract*]. B-211984 March 16, 1984 15 pp  
Decision re: Pikes Peak Water Co., by Milton J. Socolar, Acting Comptroller General

Contact: Office of the General Counsel.

Organization Concerned: Pikes Peak Water Co., Cherokee Water and Sanitation District; Department of the Army: Corps of Engineers.

Authority: 4 C.F.R. 21.2, 4 C.F.R. 21.3(g)(4). D.A.R. 5-203.2. D.A.R. Supp. 5. B-187349 (1977). B-195012 (1980) B-199407.2 (1982) B-207096.2 (1983) B-208632 (1983) B-208722 (1983) B-208777 (1983) B-209102 (1983). B-209393 (1983) B-209488.2 (1983). B-209830 (1983) B-210709 (1983). B-213169 (1983)

**Abstract:** A firm protested a proposed Corps of Engineers indefinite-term contract award to supply water to an Air Force installation. The Corps rejected the protester's proposal as unreasonably priced and plans to make the award to the only other offerer. The protester contended that eliminating it from competition without discussions was arbitrary and unreasonable. The protester also contended that its water rights were absolute while the proposed awardee's rights were leased, were being challenged in State courts, and were legally imperfect. In addition, the protester argued that its proposal was technically superior because of its superior water supply and that the Corps failed to use independent consultants to evaluate the complex legal and hydrological questions involved in the procurement. GAO would not review the protest of the proposed awardee's ability to perform the contract, because it concerned a matter of bidder responsibility. Since the solicitation did not differentiate between leased and owned water rights, GAO found that the Corps' selection of the proposed awardee was not legally objectionable. An argument that the Corps should have expressed a preference for owned rather than leased water rights was untimely, since it should have been filed before the closing date for receipt of initial proposals. The legal questions concerning the proposed awardee's water rights must be resolved in the appropriate State courts. Further, GAO was not aware of any regulation that would require the use of outside consultants in this procurement, and questions concerning the proposed awardee's future water supply did not provide a legal basis for objecting to the proposed award. GAO found that the protester was correct in arguing that the Corps violated Defense Acquisition Regulations by not evaluating costs over the estimated life of the Air Force installation. However, GAO determined that, under any evaluation formula, the protester's bid would be high. Accordingly, the protest was denied.

**123687**

[*Information on Repayment of the Bureau of Reclamation's Central Valley Project*]. RCED-84-122; B-214593. March 16, 1984. 9 pp. plus 1 enclosure (3 pp.).

Report to Rep. George Miller; by J. Dexter Peach, Director, GAO Resources, Community, and Economic Development Division.

**Issue Area:** Water and Water Related Programs: Effectiveness of Cost Allocation, Repayment, and Financing Policies for Federal Water Resource Projects (2517).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Natural Resources and Environment: Water Resources (301.0).

Organization Concerned: Bureau of Reclamation; Department of the Interior.

Congressional Relevance: Rep. George Miller.

Authority: Reclamation Reform Act of 1982 (P.L. 97-293).

**Abstract:** In response to a congressional request, GAO provided information on: (1) the current contractual obligations regarding

repayment of capital costs and operating and maintenance expenses of three water districts of the Bureau of Reclamation's Central Valley Project (CVP) in California, (2) the districts' ability to pay for project water, (3) the districts' actual repayments; (4) the additional costs borne by the Government when irrigation costs remain unpaid or are deferred; and (5) the Bureau's policy on the recovery of unpaid or deferred irrigation costs. **Findings/Conclusions:** Over the life cycle of the CVP, the Bureau has established water service contract rates under several different marketing strategies. Each of the three water districts selected for study has a long-term, fixed-rate contract. The financial obligations of irrigation beneficiaries can be limited to their ability to pay for the water. GAO found that the ability to pay for irrigation water was greater than the cost of providing for water service in all three irrigation districts reviewed. There has been no redetermination of the districts' ability to pay, because their contracts are not subject to adjustment until the mid-1990's. The Bureau pools its water service contract revenues from individual districts to pay for the CVP as a whole, paying operating and maintenance expenses first and then repaying capital. In fiscal years 1982 and 1983, the CVP had operating deficits which were expected to continue in the foreseeable future. Even though the CVP has covered all operating and maintenance expenses, some individual water districts have not contributed their proportional share. Since the CVP is still considered to be under construction, there has been no formal allocation of the CVP construction costs to individual water districts to establish a repayment obligation. GAO found that the long-term, fixed-rate contracts preclude the recovery of capital, operating, and maintenance costs within 50 years as planned because current rates cannot be charged to existing water user entities until their water service contracts expire or can be adjusted.

**123688**

[*More Attention Needed in Key Areas of the Expanded Crop Insurance Program*]. RCED-84-65; B-214525. March 14, 1984. 51 pp. plus 3 appendices (5 pp.).

Report to John R. Block, Secretary, Department of Agriculture; by J. Dexter Peach, Director, GAO Resources, Community, and Economic Development Division.

**Issue Area:** Food: Effectiveness and Adequacy of Farm Programs Directed Toward Maintaining Farm Productivity (1738).

Contact: Resources, Community, and Economic Development Division.

Budget Function: Agriculture: Farm Income Stabilization (351.0).

Organization Concerned: Department of Agriculture; Federal Crop Insurance Corp.; Department of Agriculture.

Congressional Relevance: House Committee on Appropriations: Agriculture, Rural Development, and Related Agencies Subcommittee; House Committee on Agriculture; Senate Committee on Appropriations: Agricultural, Rural Development, and Related Agencies Subcommittee; Senate Committee on Agriculture, Nutrition, and Forestry.

Authority: Federal Crop Insurance Act of 1980 (P.L. 96-365).

**Abstract:** GAO reviewed actuarial practices of the Federal Crop Insurance Corporation (FCIC), the rates at which private sector companies are compensated for selling and servicing crop insurance, and the distribution of gains and losses on crop insurance sold by private companies and reinsured by FCIC. **Findings/Conclusions:** Congress has expressed concern regarding FCIC progress in implementing the Federal Crop Insurance Act of 1980, the effectiveness of program changes when insurance losses in 1981 and 1982 are considered, and the annual increases in FCIC appropriation requests. GAO found that, following enactment of the legislation, FCIC made substantial progress in expanding the program and involving the private sector in selling and servicing crop insurance. However, FCIC did not give

appropriate attention to ensure that its insurance was actuarially sound, did not carefully evaluate its actions involving the private sector, nor make a detailed cost study when it established the compensation rates for the private sector companies' sales and service activities. Under the expanded reinsurance program, private insurance companies obtain reinsurance coverage from FCIC as protection against part of the risk of insuring crops. Allowed annual revisions to the standard reinsurance agreement have resulted in increased costs and risks to FCIC. GAO noted that FCIC has initiated numerous actions that should improve the insurance paperwork submitted by independent insurance agents and taken steps to develop a comprehensive quality control program and a plan for an independent audit of the reinsured companies.

**Recommendation To Agencies:** The Secretary of Agriculture should direct the FCIC Board of Directors and Manager to moderate any further expansion so that it will not detract from the actuarial division's ability to update the crop insurance offers. The Secretary of Agriculture should direct the FCIC Board of Directors and Manager to correct any inaccuracies that may be found in the recently established county insurance offers of FCIC and, if necessary, correct its older county insurance offers that may be inappropriate in light of the increased risk that may be associated with implementing the legislative requirements for higher coverages. The Secretary of Agriculture should direct the FCIC Board of Directors and Manager to give increased attention to completing actuarial reports depicting crop year 1980 and 1981 insurance experiences in order that the review and updating of the FCIC crop insurance programs might be expedited. The Secretary of Agriculture should direct the FCIC Board of Directors and Manager to consider the potential for obtaining actual crop yield data and using such data to establish homogeneous risk groups and the proper relationships among each group's yields and risk rates. The Secretary of Agriculture should direct the FCIC Board of Directors and Manager to evaluate the rates established for compensating the private sector in relation to the current or expected premium base and the private sector's costs to provide such services; the rate structure should, if warranted, be adjusted to provide reasonable compensation to the private sector for its services and, at the same time, be cost effective to the federal government. The Secretary of Agriculture should direct the FCIC Board of Directors and Manager to moderate further expansion of the reinsurance program until the operation of the current program can be evaluated to ensure that it is cost effective for both the government and the insurance companies. The Secretary of Agriculture should direct the FCIC Board of Directors and Manager to tailor the reinsurance agreements to each company's area of operation and base the gain and loss formula on the loss experience for the geographic area in which the company operates.

#### 123701

**Federal and State Efforts To Protect Ground Water.** RCED-84-80; B-210829. February 21, 1984. Released March 22, 1984. 23 pp. plus 16 appendices (57 pp.).

*Report to Rep. James J. Florio, Chairman, House Committee on Energy and Commerce; Commerce, Transportation, and Tourism Subcommittee; by J. Dexter Peach, Director, GAO Resources, Community, and Economic Development Division.*

**Issue Area:** Environmental Protection Programs: Safety of the Nation's Drinking Water Supplies (2226).

**Contact:** Resources, Community, and Economic Development Division.

**Budget Function:** Natural Resources and Environment: Water Resources (301.0).

**Organization Concerned:** Environmental Protection Agency.

**Congressional Relevance:** House Committee on Energy and Commerce; Commerce, Transportation, and Tourism Subcommittee; Rep. James J. Florio.

**Authority:** Clean Water Act of 1977 (33 U.S.C. 1251 et seq.) Safe Drinking Water Act (42 U.S.C. 300f et seq.). Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901 et seq.). Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.). Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.). Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7901 et seq.).

**Abstract:** Pursuant to a congressional request, GAO reviewed Federal and State efforts to protect the Nation's ground water supplies. **Findings/Conclusions:** About 50 percent of the Nation's population depends on ground water for its drinking water supply. Ground water use has increased greatly in recent years and concern has grown regarding ground water contamination problems. GAO found that there is no comprehensive national data base on the extent of ground water contamination and that neither Federal legislation nor Federal funds are directed toward comprehensive ground water protection. The Environmental Protection Agency (EPA) has not yet established drinking water standards for many organic chemicals contaminating ground water. Ground water protection is primarily viewed as a State responsibility, which accounts for differences in State standards and activities. The States which GAO studied favor a Federal role in formulating, administering, and supporting a national ground water protection program. All cited a need for technical assistance and several States requested Federal funding to further develop and implement their programs. Presently, EPA is working on a ground water protection strategy to strengthen the States' programs, address ground water problems, and establish the role of EPA. Congress has proposed establishing a national ground water commission.

#### 123706

**Improved Administration of Special Surplus Dairy Product Distribution Program Needed.** RCED-84-58, B-207223. March 14, 1984. 31 pp. plus 4 appendices (19 pp.).

*Report to Sen. Jesse A. Helms, Chairman, Senate Committee on Agriculture, Nutrition, and Forestry; Rep. Leon E. Panetta, Chairman, House Committee on Agriculture: Domestic Marketing, Consumer Relations, and Nutrition Subcommittee; Rep. Cooper Evans; by Charles A. Bowsher, Comptroller General. Refer to Testimony, April 25, 1984, Accession Number 123992.*

**Issue Area:** Food: Alternate Mechanisms To Provide Food to Low Income Target Populations (1746).

**Contact:** Resources, Community, and Economic Development Division.

**Budget Function:** Agriculture: Farm Income Stabilization (351.0).

**Organization Concerned:** Department of Agriculture: Food and Nutrition Service; Department of Agriculture.

**Congressional Relevance:** House Committee on Appropriations: Agriculture, Rural Development, and Related Agencies Subcommittee; House Committee on Agriculture; House Committee on Agriculture: Domestic Marketing, Consumer Relations, and Nutrition Subcommittee; Senate Committee on Appropriations: Agriculture and Related Agencies Subcommittee; Senate Committee on Agriculture, Nutrition, and Forestry; Rep. Cooper Evans; Rep. Leon E. Panetta; Sen. Jesse A. Helms.

**Authority:** Agricultural Act of 1949. Dairy Production Stabilization Act of 1983 (P.L. 98-180). Agriculture and Food Act of 1981 (P.L. 97-98). Commodity Credit Corporation Charter Act. Agricultural Trade Development and Assistance Act of 1954. Temporary Emergency Food Assistance Act of 1983 (P.L. 98-8). P.L. 97-6. P.L. 97-253. P.L. 98-92.

**Abstract:** In response to a congressional request, GAO reviewed the Department of Agriculture's (USDA) program for distributing surplus dairy products to the needy. Specifically, GAO was

asked to determine whether program administration adequately ensured that products were provided only to the needy and to develop estimates on the extent to which donated products displaced commercial sales. **Findings/Conclusions:** GAO believes that the absence of national program guidelines on key issues, such as the target population to be served and controls to ensure that participants are eligible, contributed to widely varying programs among the States and, in some cases, among localities. GAO found that: (1) three of the eight States studied had not established any needs tests for program participants; (2) distribution frequencies and quantities of products made available to participants varied; (3) controls over the distribution of products were generally inadequate; and (4) until April 1983, when the quantities of products made available were cut back, the states were able to order virtually unlimited amounts of dairy products. As a result, abuses occurred and displacement of commercial sales was greater than necessary. Legislation enacted in September 1983 required the establishment of program criteria and required the Department of Agriculture to: (1) provide commodities in quantities which can be used without waste; (2) ensure that the commodities provided do not displace commercial sales; and (3) minimize the paperwork requirements imposed on distribution agencies. To the extent that products given away displace commercial sales, they increase market surpluses which USDA is obligated to purchase under the Dairy Price-Support Program and increase USDA inventories of dairy products. GAO estimated that about 31 percent of the cheese distributed from December 1981 to April 1983 in the eight States would have displaced commercial sales of cheese. **Recommendation To Agencies:** The Secretary of Agriculture should direct the Food and Nutrition Service (FNS) Administrator to make sure that the final regulations issued by FNS, at a minimum, establish some parameters on the eligibility criteria established by states to help create more equitable state and local programs and to help minimize the extent of commercial sales displacement resulting from the program. In establishing such parameters, FNS should consider the amount of commercial sales displacement likely to occur at various household income levels on the basis of data compiled through USDA household food consumption surveys. The Secretary of Agriculture should direct the FNS Administrator to make sure that the final regulations issued by FNS minimize program abuse by requiring states to develop reasonable program controls. Such controls should, as a minimum, require program participants to provide identification and evidence of eligibility.

#### 123750

[*Fair Market Value Requirements of the Bureau of Land Management's Public Land Sales in Las Vegas, NV*]. March 27, 1984. 8 pp.

*Testimony before the House Committee on Government Operations: Environment, Energy and Natural Resources Subcommittee*; by Brian P. Crowley, Senior Associate Director, GAO Resources, Community, and Economic Development Division. Refer to RCED-84-127, March 27, 1984, Accession Number 123786.

**Contact:** Resources, Community, and Economic Development Division.

**Organization Concerned:** Bureau of Land Management; Forest Service.

**Congressional Relevance:** House Committee on Government Operations: Environment, Energy and Natural Resources Subcommittee.

**Authority:** Santini-Burton Act of 1980 (P.L. 96-586). Land Policy and Management Act (P.L. 94-579).

**Abstract:** GAO discussed a land sale by the Bureau of Land Management (BLM) in Nevada. Under law, BLM is required to obtain a fair market price for the land it sells. Fair market value

is defined as the price for which a property would be sold by an informed owner willing, but not obligated, to sell to an informed buyer willing, but not obligated, to buy. BLM contracts for appraisals to determine the fair market value of land to be sold. In the case of the Nevada sales, BLM lowered the minimum bid prices to 15 percent below fair market value in an attempt to stimulate bidding. BLM did this in the belief that revenue was needed immediately from the sales to fund Forest Service land acquisitions. However, funds to cover the Forest Service acquisitions were appropriated from the Land and Water Conservation Fund. Consequently, GAO believes that there is no need for BLM to discount land in future sales to generate immediate revenue and that, by discounting land in the Nevada sales, BLM did not meet regulatory requirements.

#### 123754

[*GAO and the Nuclear Waste Policy Act of 1982*]. March 13, 1984.

4 pp.

by Daniel C. White, Associate Director, GAO Resources, Community, and Economic Development Division.

**Contact:** Resources, Community, and Economic Development Division.

**Organization Concerned:** Department of Energy: Office of Civilian Radioactive Waste Management.

**Authority:** Nuclear Waste Policy Act of 1982. Budget and Accounting Act.

**Abstract:** The Nuclear Waste Policy Act requires GAO to perform an annual audit of the Department of Energy's (DOE) Office of Civilian Radioactive Waste Management. The first annual audit will focus on DOE organization and management structure, progress in siting decisions for a geological repository, and establishment of a Nuclear Waste Fund to finance the program. The final report is expected to be issued in the spring, and another ongoing review is in progress on the disposal of defense-related wastes. In future work, GAO plans to address waste repository development, interim storage, research and development, and defense waste as linked to commercial waste.

#### 123775

[*Implementation of the National Minerals and Materials Policy Needs Better Coordination and Focus*. RCED-84-63; B-205446. March 20, 1984. Released April 2, 1984. 29 pp. plus 2 appendices (7 pp.).

Report to Rep. Don Fuqua, Chairman, House Committee on Science and Technology; by Charles A. Bowsher, Comptroller General.

Refer to RED-76-86, July 2, 1976, Accession Number 098250; and EMD-79-30, April 19, 1979, Accession Number 109148.

**Issue Area:** Materials: Influence of the Federal Policy Apparatus Upon Materials Availability (1818).

**Contact:** Resources, Community, and Economic Development Division.

**Budget Function:** Natural Resources and Environment (300.0); General Government: Tax Administration (803.1).

**Organization Concerned:** Department of the Interior; Department of Defense; Department of Commerce; Cabinet Council on Natural Resources and the Environment; Office of Science and Technology Policy; Executive Office of the President.

**Congressional Relevance:** House Committee on Appropriations: Defense Subcommittee; House Committee on Appropriations: Interior Subcommittee; House Committee on Government Operations; House Committee on Science and Technology; Senate Committee on Appropriations: Interior Subcommittee; Senate Committee on Appropriations; Defense Subcommittee; Senate Committee on Governmental Affairs; Rep. Don Fuqua.

**Authority:** National Materials and Minerals Policy, Research and Development Act of 1980 (P.L. 96-479; 30 U.S.C. 1601 et seq.). Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.). Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.). Mining and Minerals Policy Act of 1970. National Materials Policy Act of 1970. S. Rept. 96-397.

**Abstract:** In response to a congressional request, GAO monitored and reviewed the administration's implementation of the National Materials and Minerals Policy, Research and Development Act, which was passed to: (1) coordinate and implement a coherent national materials and minerals policy and program through the Executive Office of the President and the Cabinet; (2) promote an adequate and stable supply of minerals and materials necessary to maintain national security, economic well-being, and industrial production, and (3) assign reporting requirements to several agencies. **Findings/Conclusions:** GAO found that, while the administration has started to implement the act by establishing or proposing new working groups and reconstituting others, the new groups have not been coordinated by the Cabinet Council. Moreover, they add to the number of activities that must be coordinated and exacerbate the ad hoc coordination conditions which the act was expected to replace. In addition, important mineral- and material-related actions have been taken without the coordination required by the act. Furthermore, the Cabinet Council on Natural Resources and the Environment lacks the breadth of membership needed to address minerals and materials issues. Because the council is restricted to Cabinet members, agencies on the working group are not included. Moreover, there is no formal procedure for these sub-Cabinet agencies to bring issues to the Cabinet's attention. Although the program plan emphasized the importance of the protection of national security, it neglected to offer an approach for determining which strategic materials or minerals are most critical or how vulnerable the United States is to any supply disruptions. Finally, GAO found that an assessment of national materials needs required by the act has been given low priority and has not been prepared, a report on critical materials needs related to national security is still under review, and another required report was submitted 2 years late. **Recommendation To Agencies:** The Director of the Office of Science and Technology Policy should prepare a required assessment of national materials needs related to scientific and technological changes over the next 5 years. This should be used together with any recommended redirection resulting from the Committee on Material's inventory of Federal minerals and materials research and development programs to evaluate the Department of Energy's proposed new initiative in materials sciences and coordinate the initiative through the Cabinet Council on Natural Resources and the Environment. The Secretary of Defense should make its report assessing critical materials needs related to national security available to Congress as required by the act. The report should address the magnitude or degree of U.S. vulnerability in materials markets critical to national security and the appropriateness of the Federal role proposed. If the administration continues to coordinate national nonfuel minerals and materials policy and programs through the Cabinet Council on Natural Resources and the Environment, the Secretary of the Interior, as Chairman pro tem of the Cabinet Council, should establish a process to provide for decision and policy coordination and high-level consideration of important mineral- and material-related issues on a timely basis. This is consistent with requirements of the act and program plan. This process should include a formal procedure for sub-cabinet agencies having major minerals or materials responsibilities and programs, but not represented on the Cabinet Council, to bring their mineral- and material-related issues to the Council's attention. The Secretary of the Interior, as Chairman pro tem of the Cabinet Council on Natural Resources and the Environment, should expand the President's April 5, 1982, program plan to: (1) address the broad

issue of adequate materials availability, including an approach that considers all the components of materials systems such as extraction, production, processing, use, recycling, and disposal as well as mineral-related industrial infrastructure issues affecting the act's goals of economic well-being and industrial production; (2) develop an approach to measure the magnitude or degree of U.S. vulnerability to supply disruptions or sharp price increases in given strategic and critical minerals or materials markets, and (3) address what the proper Federal role should be in a given minerals or materials market, including the appropriate future role of high technology materials research and development. The expanded program plan should be resubmitted to Congress.

## 123786

*The Bureau of Land Management Should Follow Fair Market Value Requirements in Selling Land in Las Vegas, NV.* RCED-84-127; B-207174. March 27, 1984. 26 pp.

**Report to Rep. Michael L Synar, Chairman, House Committee on Government Operations: Environment, Energy and Natural Resources Subcommittee; by Charles A. Bowsher, Comptroller General.**

Refer to Testimony, March 27, 1984, Accession Number 123750.

**Issue Area:** Land Use Planning and Control: Effectiveness of Policies, Procedures, and Practices for Determining Federal Land Ownership Patterns (2321); Facilities and Material Management: Non-Line-of-Effort Assignments (0751).

**Contact:** Resources, Community, and Economic Development Division.

**Budget Function:** Natural Resources and Environment: Conservation and Land Management (302.0).

**Organization Concerned:** Bureau of Land Management; Forest Service; Department of Agriculture; Department of the Interior.

**Congressional Relevance:** House Committee on Appropriations; Interior Subcommittee; House Committee on Interior and Insular Affairs; House Committee on Government Operations; Environment, Energy and Natural Resources Subcommittee; Senate Committee on Appropriations; Interior Subcommittee; Senate Committee on Energy and Natural Resources; Rep. Michael L. Synar.

**Authority:** Santini-Burton Act of 1980 (P.L. 96-586; 94 Stat. 3381). Land Policy and Management Act (P.L. 94-579). 43 C.F.R. 2710. . 43 C.F.R. 2711.3. 43 C.F.R. 2712. BLM Order 701.

**Abstract:** Pursuant to a congressional request, GAO evaluated procedures used by the Bureau of Land Management (BLM) to sell land in Las Vegas, Nevada, to determine whether BLM complied with federal requirements that land be sold for no less than its fair market value. Fair market value is defined as the price for which a property would be sold by an informed owner willing, but not obligated, to sell to an informed buyer willing, but not obligated, to buy. **Findings/Conclusions:** GAO found that the BLM preferred sale procedure is an auction, followed by over-the-counter sales of land parcels not sold at auction. BLM sets the minimum bid for each parcel before the auction. The minimum acceptable bid is usually the fair market value. Because of concern over lagging sales at auctions, BLM reduced by 15 percent the appraised fair market value for 46 parcels of land. BLM believed that the lower prices complied with federal requirements because the reduced prices represented the fair market value for a 1-day sale. BLM believed that it needed to sell the land quickly to provide revenue for Forest Service land acquisitions. However, funds for the Forest Service acquisitions were appropriated from the Land and Water Conservation Fund and, while BLM is required to reimburse these appropriations, it does not have to do so until 1995. Consequently, GAO believes that BLM did not need to discount land to sell it quickly and that, by discounting land in the Nevada sales, BLM did not comply with fair market

value requirements. **Recommendation To Agencies:** The Secretary of the Interior should direct BLM to sell land in Las Vegas, Nevada, in accordance with federal fair market value requirements. This would not preclude BLM from changing its regulations in the future as provided by the Santini-Burton Act

#### 123795

**The Federal Tobacco Program: Expensive, Conflicting, and Controversial.** 1984. 3 pp.

by Michael T Blair, Evaluator, GAO Resources, Community, and Economic Development Division

In The GAO Review, Vol 19, Issue 1, Winter 1984, pp 25, 36-37

**Contact:** Resources, Community, and Economic Development Division

**Organization Concerned:** Department of Agriculture

**Authority:** Agricultural Adjustment Act of 1938 Agricultural Act of 1949. No Net Cost Tobacco Program Act of 1982

**Abstract:** This article discusses the Federal tobacco price support program, which conflicts with current legislation designed to warn cigarette consumers of the health hazards involved in their use. Under the program, the Government currently has price-support loans outstanding on tobacco valued at over \$1.5 billion and, from its inception, the program has cost taxpayers over \$840 million in interest. The program worked fairly well prior to the late 1970's; however, as the price support of U.S. tobacco rose, domestic and foreign markets were lost, and large amounts of tobacco came under Government loan. New legislation is discussed which will require tobacco producers to pay for the program's acquisition, carrying, and interest costs.

#### 123870

[*Request for Opinion Concerning Use of Monetary Credits Under Cranberry Wilderness Act*]. B-211306. April 9, 1984. 8 pp.

*Decision re: Monetary Credits Under the Cranberry Wilderness Act*, by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General).

**Contact:** Office of the General Counsel.

**Organization Concerned:** Bureau of Land Management; Department of the Interior.

**Authority:** Cranberry Wilderness Act (P.L. 97-466; 96 Stat. 2538). Geothermal Steam Act of 1970. Rattlesnake National Recreation Area and Wilderness Act of 1980. Mineral Lands Leasing Act (30 U.S.C. 191) Lee Metcalf Wilderness and Management Act of 1983 (P.L. 98-140). 62 Comp. Gen. 102. 128 Cong. Rec. H10490. 128 Cong. Rec. S14461. 128 Cong. Rec. S14462. 128 Cong. Rec. S14463. 128 Cong. Rec. S14464. 128 Cong. Rec. S15474. H.R. 5161 (97th Cong.). H. Rept. 98-405. 30 U.S.C. 3A.

**Abstract:** The Bureau of Land Management requested a GAO opinion on several questions concerning the use of monetary credits under the Cranberry Wilderness Act, including whether: (1) the Government may require that the monetary credits be used only in West Virginia; (2) the Government may require that the monetary credits be used only to offset payments on mineral, oil, or gas leases; (3) the Government may limit the use of monetary credits to payments into the Treasury on behalf of the Department of the Interior; (4) the monetary credits may be used to offset only the Federal Government's share of receipts under the Mineral Lands Leasing Act of 1920; (5) the Government may require that monetary credits be transferred only in total from one party to another; and (6) since it will take a minimum of 10 years to liquidate monetary credits under the act, the Government is authorized to change the value of monetary credits through the paying of interest, providing a discount in the value

of the debt liquidated with the monetary credit, or providing a premium to the monetary credit to compensate for inflation from the date of the credit to the date the credit is redeemed. GAO found that the Government may not restrict the use of monetary credits to West Virginia and saw no indication that Congress intended to limit the use of monetary credits to payments into the Treasury in behalf of the Department of the Interior, or to payments on mineral, oil, or gas leases. In addition, it seemed that Congress intended that the monetary credit would be applied only against the Government's share of the receipts and that the States would continue to receive their share in cash. Since there is no evidence that Congress intended to require that credit be transferred only in total, transfer of portions of the credit is permissible. The act provides that monetary credits be based on the fair market value of the owner's mineral interests. Accordingly, GAO found that the act does not provide for the payment of interest, the discounting of the debt liquidated with the monetary credit, or the payment of a premium to compensate for inflation between the date the credit is issued and the date on which it is redeemed.

#### 123897

[*USDA Request for Decision Concerning Claim for Reimbursement*]. B-211592 April 11, 1984. 3 pp.

*Decision re: Forest Service*; by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General).

**Contact:** Office of the General Counsel.

**Organization Concerned:** Forest Service; Student Conservation Association, Forest Service; Alaska Region

**Authority:** Volunteers in the National Forests Act of 1972 (P.L. 92-300, 16 U.S.C. 5586; 86 Stat. 147) 56 Comp. Gen. 943. 16 U.S.C. 558b. 31 U.S.C. 3324.

**Abstract:** A certifying officer for the Forest Service requested an advance decision as to whether a claim for reimbursement submitted by the Student Conservation Association (SCA) should be paid. SCA sought reimbursement for subsistence payments to students whom it assigned to serve as Forest Service volunteers in an Alaskan national forest. GAO found that the servicewide agreement between SCA and the Forest Service required the Forest Service to reimburse SCA only for actual subsistence expenses incurred by the volunteers. According to the Forest Service report, no subsistence expenses were incurred because the volunteers were directly provided with all items normally considered part of subsistence expenses. Accordingly, the SCA claim for reimbursement should be disallowed.

#### 123922

[*Federal and State Efforts To Conserve and Protect the Southern Sea Otter Population*]. RCED-84-139; B-198126. April 17, 1984. 7 pp.

*Report to Rep. John B. Breaux*, Chairman, House Committee on Merchant Marine and Fisheries: Fisheries, Wildlife Conservation and the Environment Subcommittee; by Ralph V. Carbone, (for J. Dexter Peach, Director), GAO Resources, Community, and Economic Development Division.

**Issue Area:** Food: Trends in Fish Productivity and Opportunities for Improvements (1739).

**Contact:** Resources, Community, and Economic Development Division.

**Budget Function:** Natural Resources and Environment; Other Natural Resources (306.0).

**Organization Concerned:** United States Fish and Wildlife Service; Marine Mammal Commission; California: Department of Fish and Game.

**Congressional Relevance:** House Committee on Merchant Marine

**and Fisheries: Fisheries, Wildlife Conservation and the Environment Subcommittee, Rep. John B. Breaux**

**Authority:** Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) Endangered Species Act of 1973.

**Abstract:** Pursuant to a congressional request, GAO reviewed the status of Federal and State efforts to conserve and protect the southern sea otter population, which is located off the California coast. **Findings/Conclusions:** Problems associated with Federal and State management of the sea otter include: (1) conflicts between sea otter interest groups, shellfish interest groups, the oil and gas industry, and commercial and recreational fishermen; (2) the limited range and small population of sea otters, which make them vulnerable to oil spills; and (3) sea otter mortality from fish net entanglement. Shellfish interest groups and fishermen are concerned because sea otters eat economically valuable shellfish. The oil and gas industry is concerned that plans to relocate sea otter colonies could interfere with exploration and development activities. Efforts to protect sea otters include: (1) California Department of Fish and Game monitoring of fishery-induced otter mortality; (2) Fish and Wildlife Service (FWS) development of various plans to translocate sea otter colonies; and (3) Marine Mammal Commission oversight activities. Pursuant to a Commission recommendation, FWS will soon appoint a full-time coordinator for sea otter protection and conservation activities.

#### 123932

*[Protest of Forest Service Rejection of Late Bid].* B-214041. April 17, 1984. 2 pp.

**Decision re:** Treat Wood Products; by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General).

**Contact:** Office of the General Counsel.

**Organization Concerned:** Treat Wood Products; Forest Service.

**Authority:** Forest Service Manual 2431.74 B-207791 (1982). B-212277 (1983). B-189022 (1977).

**Abstract:** A firm protested the rejection of its late bid for a timber sale by the Forest Service, contending that, (1) its bid was mishandled by the Postal Service, and (2) the Forest Service failed to properly advise it of a change in its late bid policy. GAO held that: (1) the Forest Service properly rejected the bid because it was mailed less than 5 days before bid opening; and (2) the solicitation advised bidders that the Forest Service Manual, which described the late bid policy, governed the consideration of late bids. Accordingly, the protest was denied.

#### 123967

*[Federal Crop Insurance Program in North Carolina and Iowa].* RCED-84-120; B-214525. March 16, 1984. Released April 17, 1984. 3 pp. plus 5 enclosures (16 pp.).

**Report to Sen. Jesse A. Helms, Chairman, Senate Committee on Agriculture, Nutrition, and Forestry; Sen. Roger W. Jepsen, Senate Committee on Agriculture, Nutrition, and Forestry; by J. Dexter Peach, Director, GAO Resources, Community, and Economic Development Division.**

Refer to RCED-84-65, March 14, 1984, Accession Number 123688.

**Issue Area:** Food: Improvement of the Food Marketing and Distribution Process (1716).

**Contact:** Resources, Community, and Economic Development Division.

**Budget Function:** Agriculture; Farm Income Stabilization (351.0).

**Organization Concerned:** Department of Agriculture; Federal Crop Insurance Corp.

**Congressional Relevance:** Senate Committee on Agriculture, Nutrition, and Forestry; Sen. Roger W. Jepsen; Sen. Jesse A. Helms.

**Abstract:** Pursuant to a congressional request, GAO reviewed the Department of Agriculture's Federal Crop Insurance Program, which is administered by the Federal Crop Insurance Corporation (FCIC). Specifically, GAO was asked to obtain information about how the program was working in North Carolina and Iowa. **Findings/Conclusions:** GAO found that, in North Carolina, the number of acres insured under the program dropped from 17 percent of the total planted acres in 1982 to 12 percent in 1983; in Iowa, the acres insured dropped from 16 percent in 1982 to 11 percent in 1983. Producers cited various reasons for not buying Federal crop insurance, including the high cost of premiums, covering their own losses, and low yield coverage. Although FCIC spent almost \$12 million to advertise the crop insurance program, a study showed that producer awareness of the program was about the same before and after the advertising campaign. FCIC must maintain a loss ratio of 1.0 or lower for indemnities paid to premiums received to remain actuarially sound. In North Carolina and Iowa the loss ratios were below that figure for 1982. However, loss ratios varied substantially within crops.

#### 123969

*[Multiplier Effect of the Agricultural Sector on the General Economy].* RCED-84-56; B-214874. April 17, 1984. Released April 20, 1984. 4 pp. plus 1 enclosure (10 pp.).

**Report to Rep. E. (Kika) De La Garza, Chairman, House Committee on Agriculture; by Ralph V. Carbone, (for J. Dexter Peach, Director), GAO Resources, Community, and Economic Development Division.**

**Issue Area:** Food: Best Management and Planning Tools Applicable to the Food and Agriculture System and Their Uses (1736).

**Contact:** Resources, Community, and Economic Development Division.

**Budget Function:** Agriculture; Farm Income Stabilization (351.0).

**Congressional Relevance:** House Committee on Agriculture; Rep. E. (Kika) De La Garza.

**Abstract:** Pursuant to a congressional request, GAO reviewed the relationship between the agricultural sector and the rest of the national economy. GAO was asked to provide information on: (1) Federal tax revenues generated by Federal agricultural program expenditures; and (2) the multiplier effect of the agricultural sector on the national economy. **Findings/Conclusions:** GAO was unable to determine a specific multiplier for the agricultural sector or to compare it with multipliers for other sectors. GAO was able to obtain information on definitions and techniques used by economists to measure multiplier effects. A multiplier is a measure of the relationship between an initial increase in spending in one sector of the economy and the total increase in spending in all sectors of the economy as a result of the initial increase. The increase in total spending will be greater because the recipients of the initial increase spend some of what they receive in other sectors. GAO found that: (1) most analyses of the multiplier effect for the agricultural sector have focused on particular products or regions; and (2) those studies that had wider focuses used a variety of definitions for multiplicis and different methods of determining multiplier effects. GAO stated that, if a consistent set of studies were available for calculating multiplier effects in various sectors of the economy, multiplier analysis would be a useful tool for measuring the impacts of different economic sectors on one another.

#### 123970

*[Cost-Benefit Analysis Can Be Useful in Assessing Environmental Regulations, Despite Limitations].* RCED-84-62; B-210402. April 6, 1984. 33 pp. plus 4 appendices (28 pp.).

**Report to Congress;** by Charles A. Bowsher, Comptroller General.

**Issue Area:** Environmental Protection Programs. Effectiveness of Environmental Protection Regulatory Strategies and Their Balance With Other Priorities (2227), Economic Analysis of Alternative Program Approaches: Other Non-Line-of-Effort Assignments (4051).

**Contact:** Resources, Community, and Economic Development Division

**Budget Function:** Natural Resources and Environment Pollution Control and Abatement (304.0)

**Organization Concerned:** Environmental Protection Agency; Office of Management and Budget

**Congressional Relevance:** House Committee on Appropriations; HUD-Independent Agencies Subcommittee; House Committee on Public Works and Transportation; Senate Committee on Appropriations; HUD-Independent Agencies Subcommittee; Senate Committee on Environment and Public Works, Congress

**Authority:** Clean Air Act (42 U.S.C. 7401 et seq.). Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.). Water Pollution Control Act (33 U.S.C. 1251 et seq.). Executive Order 12291. American Petroleum Industry v. Costle, 665 F.2d 1176 (D.C. Cir. 1981) American Textile Manufacturers Institute v. Donovan, 452 U.S. 490 (1981)

**Abstract:** GAO reported on the Environmental Protection Agency's (EPA) major efforts to prepare cost-benefit analyses to support regulatory decisions, as required under Executive Order 12291. In addition, it discussed the Office of Management and Budget's (OMB) review of those analyses and identified many problems that affect the potential usefulness of cost-benefit analyses for assessing environmental regulations. **Findings/Conclusions:** GAO found large gaps in the underlying scientific information which EPA uses to estimate the environmental benefits of its regulatory alternatives. EPA has also had difficulty determining how much people are willing to pay for health and environmental improvements. However, a cost-benefit analysis can still provide useful information to regulatory decisionmakers if EPA presents a range of dollar values which reflect the uncertainty of the estimates. Some environmental laws place more emphasis on the level of cleanup to be achieved than on the costs involved, and they may prohibit or limit the use of cost-benefit analyses in setting standards and regulations. In addition, cost-benefit analyses are not transmitted to Congress. Executive Order 12291 generally requires EPA and other Federal agencies to provide a detailed cost-benefit analysis for any major regulation. However, the order allows for a great deal of flexibility in establishing the estimated costs of proposed regulations, and EPA has not always considered all important compliance costs to determine whether a proposed rule is a major regulation. In addition, GAO found that EPA failed to consider all possibilities in determining which alternative would yield a higher net benefit. GAO also found that EPA cost-benefit analyses generally highlighted only single-dollar estimates in summary form while ranges of estimates for other categories were available but not used. Despite these problems, OMB has generally accepted the EPA analyses.

**Recommendation To Congress:** Congress may wish to reexamine the need for restrictions which prohibit or limit cost-benefit analyses results from being used in environmental rulemaking in laws such as the Clean Air and Clean Water Acts, in light of subsequent improvements in environmental protection, and consider easing or eliminating such restrictions on a case-by-case basis.

**Recommendation To Agencies:** The Administrator, EPA, should direct the program offices performing cost-benefit analyses to use special techniques for analyzing uncertainty so that the most likely estimates of key regulatory effects can be isolated. The Administrator, EPA, should direct his budget office to highlight, in its annual budget submission to Congress, the priorities it has assigned to address the most critical data gaps affecting the precision of cost-benefit analyses and the measures planned to narrow those gaps. The Administrator, EPA, should transmit to the

cognizant oversight committees in Congress, in executive summary form, those cost-benefit analyses that cannot be used in environmental rulemaking because of legal restrictions. The Administrator, EPA, should require that all elements of costs be considered and consistently applied when determining whether regulations are major or minor. The Administrator, EPA, should prominently document, for inclusion in the public record, and transmit to OMB a thorough explanation of the regulatory alternatives considered prior to the EPA decision to perform or not perform a cost-benefit analysis; this documentation should include a clear explanation as to why a particular alternative was considered and others were not so that decisionmakers and reviewing officials will have a complete understanding of the process. In addition, the Administrator should require that future cost-benefit analyses prominently include, in the executive summary: (1) a clear recognition of all costs and benefits, even those that cannot be quantified; (2) the range of uncertainties associated with those cost and benefit figures, as well as the sources of uncertainty, and (3) a comparison of all feasible alternatives.

#### 124004

*[Evaluation of Interior's Comments on GAO Report on Alternative Bidding Systems for Leasing Offshore Lands].* B-207556. April 11, 1984. 3 pp. plus 2 enclosures (27 pp.).

*Report to Rep. Jack Brooks, Chairman, House Committee on Government Operations; Sen. William V. Roth, Jr., Chairman, Senate Committee on Governmental Affairs; Sen. Mark O. Hatfield, Chairman, Senate Committee on Appropriations; Rep. Jamie L. Whitten, Chairman, House Committee on Appropriations; by Charles A. Bowsher, Comptroller General.*

Refer to RCED-83-139, May 27, 1983, Accession Number 121782.

**Issue Area:** Energy: Management of Leased Federal Lands (1629).

**Contact:** Resources, Community, and Economic Development Division.

**Budget Function:** Energy: Energy Supply (271.0).

**Organization Concerned:** Department of the Interior.

**Congressional Relevance:** House Committee on Appropriations; House Committee on Government Operations; Senate Committee on Governmental Affairs; Senate Committee on Appropriations; Rep. Jamie L. Whitten; Rep. Jack Brooks; Sen. William V. Roth, Jr.; Sen. Mark O. Hatfield.

**Authority:** Outer Continental Shelf Lands Act Amendments of 1978.

**Abstract:** GAO reviewed the Department of the Interior's response to a GAO report that discussed Interior's record in implementing alternative bidding systems in leasing offshore lands.

**Findings/Conclusions:** GAO noted that Interior disagreed with a GAO recommendation that Congress require another 5-year test period for alternative bidding systems. Interior believes that the initial test period was adequate and that further testing is unnecessary because it will continue to consider and apply alternative bidding systems in future offshore oil lease sales. GAO believes that there is a need for further testing because Interior has tested only those bidding systems which the law requires it to test and has not experimented with systems that do not use a cash bonus as the bid variable. Interior did not comment on a GAO recommendation that certain reporting requirements be transferred from the Department of Energy to Interior.

#### 124006

*[The John F. Kennedy Center for the Performing Arts].* April 26, 1984. 5 pp.

*Testimony before the Senate Committee on Environment and Public Works;* by William J. Anderson, Director, GAO General Government Division.

Refer to GGD-84-50, April 11, 1984, Accession Number 124018.

**Contact:** General Government Division.

**Organization Concerned:** National Park Service, Smithsonian Institution: John F Kennedy Center for the Performing Arts.

**Congressional Relevance:** Senate Committee on Environment and Public Works

**Abstract:** Testimony was given concerning (1) the John F Kennedy Center for the Performing Arts' revenue bond indebtedness to the Federal Government and the accrued interest obligation stemming from these bonds; (2) the appropriate cost sharing of operating costs between the Center and the National Park Service, and (3) the responsibility for long-term structural repairs. In 1968, revenue bonds were issued to help finance the construction of the Center's parking facilities. These bonds are held by Treasury, and the principal and annual interest were to be paid with revenues from parking operations. However, no interest payments have been made on the bonds since 1968, and no provisions have been made for repaying the principal. Instead, parking revenues have been used for operating expenses and the repayment of other loans. An interagency working group as proposed (1) the establishment of a sinking fund to retire the bonds; or (2) the waiver of the interest obligation and the removal of the requirement for future interest on the revenue bonds, which would require a policy decision by Congress. GAO has prepared estimates of alternative payment schedules for Congress. Although the formula presently used to allocate operating costs between the Center and the National Park Service does not reflect current estimates of the Center's usage, changing the cost sharing ratio could decrease the Center's ability to meet its financial obligations, including the retirement of bond indebtedness and maintenance costs. Finally, GAO found that the Center has not set aside sufficient reserves to cover the costs of long-term structural repairs. Unless Center officials establish adequate reserves, Congress will be petitioned to supply the funds.

nonresponsive because the bid bond attached to the bid was not accompanied by a power of attorney. As a result of the bid rejection, the protester was not allowed to bid in the subsequent timber auction. The protester contended that the Forest Service should have afforded it an opportunity to obtain an alternate form of bid guarantee. GAO held that the protester's representative at the auction was informed that the bid was nonresponsive and did not indicate that, if given the opportunity, he could obtain another form of bid guarantee. Accordingly, the protest was denied.

#### 124146

**EPA's Preliminary Estimates of Future Hazardous Waste Cleanup Costs Are Uncertain.** RCED-84-152; B-215014. May 7, 1984. Released May 16, 1985. 11 pp plus 3 appendices (5 pp.).

**Report to:** Rep. James J. Florio, Chairman, House Committee on Energy and Commerce: Commerce, Transportation, and Tourism Subcommittee; by Ralph V. Carlone, (for J. Dexter Peach, Director), GAO Resources, Community, and Economic Development Division.

**Issue Area:** Environmental Protection Programs: Effectiveness of Federal and State Programs in Reducing the Environmental and Health Dangers Posed by Hazardous and Solid Wastes (2221).

**Contact:** Resources, Community, and Economic Development Division.

**Budget Function:** Natural Resources and Environment: Pollution Control and Abatement (304.0).

**Organization Concerned:** Environmental Protection Agency.

**Congressional Relevance:** House Committee on Energy and Commerce: Commerce, Transportation, and Tourism Subcommittee; Rep. James J. Florio.

**Authority:** Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

**Abstract:** In response to a congressional request, GAO evaluated the Environmental Protection Agency's (EPA) Superfund Task Force Preliminary Assessment study on what resources are needed to clean up the worst uncontrolled hazardous waste sites.

**Findings/Conclusions:** The preliminary EPA study reported that 1,400 to 2,200 hazardous waste sites may require cleanup as National Priority List (NPL) sites and that the Federal Government could spend between \$8.4 and \$16 billion to clean up the sites. The study provided uncertain data regarding the number of NPL sites, cleanup construction costs, and parties responsible for cleanup. GAO found that: (1) projected Superfund program costs can vary considerably; (2) total cleanup costs include expenses other than Superfund program costs; (3) the timing of cleanups is relevant to annual and future commitment; and (4) in the future, EPA may be able to estimate the reduction of health risks based on levels of cleanup. GAO noted that EPA is currently making more detailed analyses of the sites and associated cleanup costs which could improve future estimates.

#### 124050

**[Protest of Possible Award of Timber Sale Contract].** B-214913 May 2, 1984. 1 p.

**Decision re:** S. E. Petersen Logging Co.; by Milton J. Socolar, Acting Comptroller General.

**Contact:** Office of the General Counsel

**Organization Concerned:** S E Petersen Logging Co , North Forty Logging Co ; Forest Service

**Authority:** B-196161 (1980).

**Abstract:** A firm protested a possible contract award to another firm under a Forest Service timber sale, contending that the awardee's bid was not signed by the company owner and that the person who signed the bid did not have the authority to bind the company. GAO held that, while the person who signed the bid was not the company owner, he was authorized to bind the company. Accordingly, the protest was denied.

#### 124085

**[Protest of Forest Service Rejection of Sealed Bid as Nonresponsive].** B-213870. May 3, 1984. 6 pp

**Decision re:** Stimson Lumber Co.; by Milton J. Socolar, Acting Comptroller General.

**Contact:** Office of the General Counsel

**Organization Concerned:** Stimson Lumber Co.; Forest Service.

**Authority:** 4 C.F.R. 21.2(b)(2). 51 Comp Gen 182. Forest Service Manual 2431.55 Forest Service Manual 2431.59. B-210904 (1983) B-191906(1) (1978).

**Abstract:** A firm protested the rejection of its bid under a Forest Service timber sale. The Forest Service rejected the bid as

#### 124158

**Food Bibliography.** RCED-84-130. April 1984. 213 pp.

**Report to:** by J. Dexter Peach, Director, GAO Resources, Community, and Economic Development Division.

**Issue Area:** Food (1700).

**Contact:** Resources, Community, and Economic Development Division.

**Budget Function:** Agriculture: Agricultural Research and Services (352.0).

**Organization Concerned:** Department of Agriculture.

**Abstract:** This bibliography includes information on documents directly or indirectly related to food, agriculture, and nutrition that have been released by GAO.

December 1983. The documents included are representative of the broad interrelationship which exists between the food area and other issue areas of concern to GAO such as health, transportation, energy, defense, and international affairs

#### 124194

[*Questions Concerning Proposed Legislation To Amend Clean Air Act*. B-214688. April 6, 1984. Released May 14, 1984 4 pp] Letter to Rep. John D. Dingell, Chairman, House Committee on Energy and Commerce; by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General).

Contact: Office of the General Counsel.

Organization Concerned: Environmental Protection Agency

Congressional Relevance: House Committee on Energy and Commerce; Rep. John D. Dingell.

Authority: Clean Air Act, Antideficiency Act (31 U.S.C. 1341) F.P.R. 1-15.205-17. H.R. 3400 (98th Cong.). H.R. 4404 (98th Cong.). H.R. 4906 (98th Cong.). OMB Circular A-122 Attach. B

**Abstract:** Pursuant to a congressional request, GAO discussed three bills that would amend the Clean Air Act to control certain pollutants, focusing on whether: (1) the interest costs incurred by utilities in complying with the proposed requirements could be paid from funds made available by the bills; and (2) the Environmental Protection Agency (EPA) would be making commitments in violation of the Antideficiency Act if the legislation were enacted. GAO determined that: (1) under two of the bills, interest costs for utilities would not be allowable; (2) the two bills could be amended to provide a statutory exception that would allow the payment of interest costs to utilities; and (3) the third bill would provide interest-free loans to help utilities meet their obligations under the bill. GAO also determined that EPA would not be violating the Antideficiency Act under any of the three bills.

#### 124209

[*State Experiences With Taxes on Generators or Disposers of Hazardous Waste*. RCED-84-146; B-214959. May 4, 1984. Released May 11, 1984. 34 pp. plus 7 appendices (15 pp.)]

Report to Rep. James J. Florio, Chairman, House Committee on Energy and Commerce: Commerce, Transportation, and Tourism Subcommittee; by Ralph V. Carbone, (for J. Dexter Peach, Director), GAO Resources, Community, and Economic Development Division.

**Issue Area:** Environmental Protection Programs: Effectiveness of Federal and State Programs in Reducing the Environmental and Health Dangers Posed by Hazardous and Solid Wastes (2221).

Contact: Resources, Community, and Economic Development Division.

**Budget Function:** Natural Resources and Environment: Pollution Control and Abatement (304.0).

Organization Concerned: Environmental Protection Agency.

Congressional Relevance: House Committee on Energy and Commerce: Commerce, Transportation, and Tourism Subcommittee; Rep. James J. Florio.

Authority: Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.). Resource Conservation and Recovery Act of 1976 (P.L. 94-580; 42 U.S.C. 6901 et seq.). S. Rept. 96-848. H.R. 2627 (98th Cong.). H.R. 3129 (98th Cong.). H.R. 4813 (98th Cong.). S. 860 (98th Cong.). S. 1779 (98th Cong.).

**Abstract:** Pursuant to a congressional request, GAO obtained information on taxation of generators and disposers of hazardous wastes. Taxes of this type are known as waste-end taxes. GAO examined the operation of waste-end taxes in three States in an

attempt to determine: (1) whether States have achieved their objectives in establishing waste-end taxes; (2) States' concerns about a proposed Federal waste-end tax; and (3) potential problems in establishing and implementing a Federal waste-end tax. **Findings/Conclusions:** States generally establish waste-end taxes to (1) generate revenue for State hazardous waste cleanup efforts, and (2) encourage more desirable waste management practices, such as waste recycling. GAO found that: (1) in each State reviewed, the revenue generated by waste-end taxes fell short of anticipated revenue, and (2) none of the States had the information necessary to determine whether their waste-end taxes are encouraging desirable waste management practices. GAO also found that States are concerned about a Federal waste-end tax because (1) it could preempt State waste-end taxes; (2) imposing a Federal tax on top of State waste-end taxes could increase the incentive to illegally dispose of wastes to avoid the tax; and (3) the more successful a waste-end tax is, the less revenue it generates, because waste generators and disposers are more likely to shift to tax-exempt alternatives. GAO compared three legislative proposals that would establish a Federal waste-end tax and found that implementing each would require information on the types and quantities of hazardous wastes generated, and the treatment, storage, or disposal methods used. The Environmental Protection Agency (EPA) does not currently have adequate information available to meet the information needs of a Federal waste-end tax program, but is implementing a reporting requirement for States that will provide some of the necessary data. EPA and other agencies have not yet estimated the time or cost to implement a Federal waste-end tax.

#### 124258

[*ASCS Needs Better Information To Adequately Assess Proposed County and State Office Automation*. IMTEC-84-11; B-214903. May 25, 1984 9 pp. plus 1 enclosure (3 pp.)]

Report to John R. Block, Secretary, Department of Agriculture; by Warren G. Reed, Director, GAO Information Management and Technology Division.

**Issue Area:** Automatic Data Processing. Improving How Agencies Satisfy Their Software Requirements (0116).

Contact: Information Management and Technology Division

**Budget Function:** Automatic Data Processing (990.1).

Organization Concerned: Agricultural Stabilization and Conservation Service; Department of Agriculture.

Congressional Relevance: House Committee on Appropriations; Agriculture, Rural Development, and Related Agencies Subcommittee; House Committee on Agriculture; Senate Committee on Appropriations; Agriculture and Related Agencies Subcommittee; Senate Committee on Agriculture, Nutrition, and Forestry.

**Abstract:** GAO examined the Agricultural Stabilization and Conservation Service's (ASCS) cost-benefit analysis to determine whether ASCS adequately justified the automation of its state and county offices. **Findings/Conclusions:** Before automating the state and county offices that administer ASCS commodity and land use programs, ASCS tested the idea in seven county offices. The ASCS cost-benefit analysis shows greater estimated benefits than costs. GAO determined that the ASCS analysis may be overly optimistic. GAO found that the estimates are uncertain because ASCS relied on judgment rather than historical data to project many costs and benefits, and available evidence does not support some of the projections. Most of the estimated benefits are based on projections of saved staff time and improved accuracy. Further, the accuracy improvement is not substantiated by evidence, and other benefits are overstated. Estimated costs for equipment and maintenance appear to have been understated. Finally, ASCS plans to use untested technology for the implementation phase, which increases the risk of unforeseen expenses. **Recommendation To Agencies:** The Secretary of Agriculture

should direct ASCS to proceed with the prototype project in three states and defer the planned nationwide automation of state and county offices until the prototype has provided credible cost-benefit information and tested the technology.

#### 124282

*[Information on Relicensing Cases at the Federal Energy Regulatory Commission].* RCED-84-116; B-200490. May 15, 1984. Released May 22, 1984. 5 pp. plus 2 enclosures (2 pp.).

*Report to Rep. Richard L. Ottinger, Chairman, House Committee on Energy and Commerce: Energy Conservation and Power Subcommittee;* by Ralph V. Carbone, (for J. Dexter Peach, Director), GAO Resources, Community, and Economic Development Division.

**Issue Area:** Energy: Non-Line-of-Effort Assignments (1697).

**Contact:** Resources, Community, and Economic Development Division.

**Budget Function:** Energy: Energy Information, Policy, and Regulation (276 0).

**Organization Concerned:** Department of Energy, Federal Energy Regulatory Commission.

**Congressional Relevance:** House Committee on Energy and Commerce: Energy Conservation and Power Subcommittee; Rep. Richard L. Ottinger.

**Abstract:** Pursuant to a congressional request, GAO reviewed the relicensing of existing non-Federal hydroelectric facilities by the Federal Energy Regulatory Commission (FERC), focusing on whether: (1) the public benefits when competing applications are filed for a facility; and (2) FERC can serve as a surrogate for competition when no competing application is filed. To qualify for a hydroelectric project license, an applicant must submit a comprehensive plan to develop and use the water resources for recreational and environmental purposes as well as power generation. **Findings/Conclusions:** GAO reviewed nine competitive relicensing cases and observed that, in five cases, amendments to the original applications were submitted after competing applications had been filed for the same project. GAO noted that, of the cases with amendments, three private utilities proposed to upgrade their power operation plans and two proposed to include major recreational improvements after competing applications had been filed. In a review of 10 uncontested cases, GAO found that FERC required enhancements to the operation of existing facilities during the relicensing process to improve fish and wildlife plans, water quality, irrigation, and recreational facilities. Finally, of the five pending applications reviewed, GAO found that FERC had requested additional information from two of the applicants.

#### 124349

*[Improvements Needed in the Department of the Interior's Measurement of Offshore Oil for Royalty Purposes].* RCED-84-78; B-207556. April 30, 1984. Released May 30, 1984. 12 pp. plus 1 enclosure (1 p.).

*Report to Rep. Michael L. Synar, Chairman, House Committee on Government Operations: Environment, Energy and Natural Resources Subcommittee;* by Charles A. Bowsher, Comptroller General.

**Issue Area:** Energy: Management of Leased Federal Lands (1629).

**Contact:** Resources, Community, and Economic Development Division.

**Budget Function:** Energy: Energy Supply (271.0).

**Organization Concerned:** Department of the Interior; Department of the Interior: Minerals Management Service.

**Congressional Relevance:** House Committee on Appropriations: Interior Subcommittee; House Committee on Energy and Com-

merce, House Committee on Government Operations: Environment, Energy and Natural Resources Subcommittee; Senate Committee on Appropriations: Interior Subcommittee; Senate Committee on Energy and Natural Resources; Rep. Michael L. Synar.

**Abstract:** Pursuant to a congressional request, GAO reviewed the Department of the Interior's activities relating to the measurement of oil produced on the Outer Continental Shelf. The review focused on: (1) identifying the procedures Interior uses to ensure that offshore oil production is measured accurately for royalty purposes; (2) determining whether offshore operators are complying with regulations concerning the accuracy of production measurement devices; (3) determining whether Interior uses production measurement data to ensure that sales volumes are reported accurately, and (4) reviewing the extent to which data are being considered for inclusion in the new Automated Royalty Management Program. **Findings/Conclusions:** GAO found that, although regulations require that offshore operators test production measurement devices and report test results to Interior on a monthly basis, the Minerals Management Service (MMS) did not receive approximately 30 percent of the required reports during 1982. Further, MMS did not: (1) identify from test results some meters that were not functioning properly; (2) follow up on meters that were reported as operating improperly; or (3) take corrective measures such as adjusting reported sales volumes for Federal royalty purposes. MMS officials attributed the lack of control over test results to a shortage of personnel and indicated that an automated system for receipt, review, and followup of information might be the solution. Although Interior is developing two nationwide automated royalty management systems, it does not plan to include detailed meter testing data to verify the accuracy of offshore oil sales volumes in either system. MMS plans to include this type of data in its regional automated information system which may be used in conjunction with the nationwide systems. GAO believes that further measures will be needed in conjunction with the automated systems to fully ensure that accurate data are being used to compute royalties.

**Recommendation To Agencies:** To better ensure that sales volumes are accurately reported for royalty payment purposes in the Gulf of Mexico Region, the Secretary of the Interior should require the Director, MMS, to implement plans for improved receipt and review of meter testing reports and make greater use of the data it receives for this purpose. Through the use of additional staff recently assigned and adoption of automation, to the extent possible, meter testing reports should be matched with run tickets on a selective basis. When the Auditing and Financial System and the Production Accounting and Auditing System (PAAS) become fully operational, the Secretary of the Interior should require the Director, MMS, to use the meter testing and run ticket data from its Gulf of Mexico Region's automated information system in conjunction with the PAAS to verify that reported sales volume measurements are accurate by matching meter testing reports with run tickets as a routine audit procedure.

#### 124353

*National Park Service Needs a Maintenance Management System.* RCED-84-107; B-209917. June 1, 1984. 27 pp. plus 4 appendices (24 pp.).

*Report to Sen. Malcolm Wallop, Chairman, Senate Committee on Energy and Natural Resources: Public Lands and Reserved Water Subcommittee;* by Charles A. Bowsher, Comptroller General.

Refer to CED-80-115, October 10, 1980, Accession Number 113935.

**Issue Area:** Land Use Planning and Control: Effective and Efficient Management of Federal and Federally Assisted Outdoor Recreation Facilities and Programs (2225)

**Contact:** Resources, Community, and Economic Development Division.

**Budget Function:** Natural Resources and Environment: Recreational Resources (303.0).

**Organization Concerned:** Department of the Interior; National Park Service.

**Congressional Relevance:** House Committee on Appropriations: Interior Subcommittee; House Committee on Interior and Insular Affairs; Senate Committee on Appropriations: Interior Subcommittee; Senate Committee on Energy and Natural Resources: Public Lands and Reserved Water Subcommittee; Sen. Malcolm Wallop.

**Authority:** OMB Circular A-76.

**Abstract:** Pursuant to a congressional request, GAO examined the potential for increased efficiency and effectiveness in maintaining the national park system. **Findings/Conclusions:** The National Park Service spends millions of dollars annually to maintain the buildings, roads, bridges, monuments, hiking trails, and utility systems on the more than 79 million acres of developed and undeveloped land which comprise the national park system. GAO visited nine national park system units in 1983 and found that attention had not always been given to systematically maintaining facilities and that the Service had not provided adequate maintenance policy, guidance, or training. At seven of the parks visited, GAO found that park superintendents were not determining or requesting the funding needed to properly maintain park assets, properly accounting for maintenance resources, or assessing the efficiency and effectiveness of their maintenance activities. Superintendents at these seven parks agreed that they did not have the necessary information about their maintenance operations and did not know whether their maintenance activities were effective or efficient. The Service has estimated that the cost of developing and implementing an effective maintenance management system would be less than \$10 million. GAO believes that the cost of such a system could be justified by the large annual Service maintenance budget, the current maintenance problems, and the potential to recapture development and implementation costs through reduced maintenance costs, increased productivity, and other benefits. **Recommendation To Agencies:** The Secretary of the Interior should direct the National Park Service Director to develop overall Service policy on the purpose, goals, and objectives of park maintenance programs. The Secretary of the Interior should direct the National Park Service Director to design, test, and implement in the national park system a maintenance management system which includes the key management elements discussed in this report. To help in designing a system, Service officials may want to obtain information from organizations such as Parks Canada which have maintenance management systems in operation. The Secretary of the Interior should direct the National Park Service Director to develop Service guidelines on the system and processes needed to properly manage maintenance in the parks. The Secretary of the Interior should direct the National Park Service Director to develop a training program which focuses on planning, organizing, directing, and reviewing activities associated with a maintenance system and ensure that maintenance managers and other appropriate park and regional personnel receive the training.

#### 124359

[*Matters for Consideration When the Columbia River Basin Fish and Wildlife Program Is Revised*]. B-214960. May 2, 1984. 4 pp. plus 2 enclosures (3 pp.).

*Report to Keith Colbo, Chairman, Pacific Northwest Electric Power and Conservation Planning Council; by F. Kevin Boland, Senior Associate Director, GAO Resources, Community, and Economic Development Division.*

**Issue Area:** Energy: Pacific Northwest Power Act (1606).

**Contact:** Resources, Community, and Economic Development Division.

**Budget Function:** Natural Resources and Environment: Other Natural Resources (306.0).

**Organization Concerned:** Pacific Northwest Electric Power and Conservation Planning Council.

**Authority:** Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839).

**Abstract:** GAO reviewed activities of the Pacific Northwest Electric Power and Conservation Planning Council to assess the council's compliance with section 4(h) of the Pacific Northwest Electric Power Planning and Conservation Act. **Findings/Conclusions:** GAO noted that the act requires the council to develop and adopt a conservation program to protect, mitigate, and enhance Columbia River Basin fish and wildlife affected by the basin's hydroelectric dams. GAO found that the council's program was developed according to the procedures, standards, and timeframe specified in the act. During the program development process, the council: (1) considered recommendations made by federal and state fish and wildlife agencies, Indian tribes, and other groups; (2) provided for public comment on the recommendations; and (3) based its program on the input. GAO stated that the program's development will not ensure the continuation of conservation measures in the river basin but will depend on acceptance and implementation by Federal and State agencies, tribes, and other groups. Concerns expressed by the agencies and groups include: (1) coordination of program management; (2) sources of program funding; (3) competition among water users; and (4) nonhydroelectric causes of fish and wildlife declines.

#### 124388

*Federal Government's Progress in Implementing a National Archeological and Historic Preservation Program.* RCED-84-114; B-125045. May 30, 1984. Released June 11, 1984. 14 pp. plus 3 appendices (42 pp.).

*Report to Rep. Morris K. Udall, Chairman, House Committee on Interior and Insular Affairs; by Ralph V. Carlone, (for J. Dexter Peach, Director), GAO Resources, Community, and Economic Development Division.*

Refer to CED-81-61, April 22, 1982, Accession Number.

**Issue Area:** Land Use Planning and Control: Effective and Efficient Management of Federal and Federally Assisted Outdoor Recreation Facilities and Programs (2325).

**Contact:** Resources, Community, and Economic Development Division.

**Budget Function:** Natural Resources and Environment: Recreational Resources (303.0).

**Organization Concerned:** Department of the Interior; Department of Agriculture; Department of Housing and Urban Development; Advisory Council on Historic Preservation; Office of Management and Budget.

**Congressional Relevance:** House Committee on Interior and Insular Affairs; Rep. Morris K. Udall.

**Authority:** Historic Preservation Act (P.L. 89-665). National Historic Preservation Act Amendments of 1980 (P.L. 96-515). Archeological and Historic Preservation Act of 1974. Antiquities Act (P.L. 59-209). Archeological Resources Protection Act of 1979 (P.L. 96-95). Historic Sites Act (P.L. 74-292). Environmental Policy Act of 1969 (National) (P.L. 91-190). Executive Order 11593. P.L. 86-523.

**Abstract:** In response to a congressional request, GAO provided followup information concerning: (1) Federal agencies' actions to protect and preserve archeological and historic sites on Federal lands in compliance with the National Historic Preservation Act Amendments of 1980; (2) Federal agencies' actions to implement

prior GAO recommendations in this area, and (3) the status of the Department of the Interior's approval of State historic preservation plans. **Findings/Conclusions:** GAO previously reported that Federal agencies' archeological and historic preservation efforts were characterized by disorder and controversy. To remedy the situation, GAO made 16 recommendations to Interior and other Federal agencies covering the areas of archeological resource identification, the States' role in determining archeological site significance, and the extent of data recovery of historic and archeological materials. GAO found that, as of February 1984, Interior, the Advisory Council on Historic Preservation, and other Federal agencies had responded to 9 recommendations and that Interior and the Advisory Council had taken action to comply with 35 of the 54 requirements of the 1980 amendments. Because many actions have only recently been implemented and supporting documentation is in draft form, GAO has not evaluated the effectiveness of the actions. GAO noted that actions on some recommendations and requirements have been suspended because of disputes between the Office of Management and Budget and other Federal agencies and the Advisory Council on the legality of Council regulations. Specifically, implementation of section 106 of the amended National Historical Preservation Act is controversial. In addition, GAO found that Interior is requiring all States to implement comprehensive historic preservation planning to receive preservation grants. As of February 1984, 24 States, the District of Columbia, and Puerto Rico were in the process of implementing Interior's model planning approach.

#### 124390

**Deficiencies in the Department of the Interior OIG Investigation of the Powder River Basin Coal Lease Sale.** RCED-84-167; B-214839. June 11, 1984. Released June 13, 1984 34 pp plus 1 appendix (1 p.).

**Report to Rep. Edward J. Markey, Chairman, House Committee on Interior and Insular Affairs; Oversight and Investigations Subcommittee; Rep. Morris K. Udall, Chairman, House Committee on Interior and Insular Affairs; Rep. James H. Weaver, Chairman, House Committee on Interior and Insular Affairs; Mining, Forest Management, and Bonneville Power Administration Subcommittee; William P. Clark, Secretary, Department of the Interior; by Charles A. Bowsher, Comptroller General**

**Issue Area:** Energy Management of Federal Energy Lands (1608).

**Contact:** Resources, Community, and Economic Development Division.

**Budget Function:** Natural Resources and Environment: Conservation and Land Management (302.0).

**Organization Concerned:** Department of the Interior: Minerals Management Service; Department of the Interior: Office of the Inspector General; Department of the Interior.

**Congressional Relevance:** House Committee on Interior and Insular Affairs; Mining, Forest Management, and Bonneville Power Administration Subcommittee; House Committee on Interior and Insular Affairs: Oversight and Investigations Subcommittee; House Committee on Interior and Insular Affairs; Rep. James H. Weaver; Rep. Edward J. Markey; Rep. Morris K. Udall.

**Authority:** Federal Coal Leasing Amendments Act of 1976.

**Abstract:** Pursuant to congressional requests, GAO reviewed the conduct of a Department of the Interior, Office of the Inspector General (OIG) investigation into the Powder River Basin coal lease sale to determine the adequacy of the investigation and identify issues left unresolved by the investigation. **Findings/Conclusions:** GAO found that OIG released three reports on the Powder River coal lease sale: one focused on alleged leaks of proprietary data, one identified several apparent leaks but did not completely resolve the issues involved, and one focused on

two senior Interior officials' acceptance of a dinner from coal industry representatives. GAO found that the three reports were incomplete and unreliable. The investigations were begun long after the first allegations of a leak and were terminated prematurely, despite the belief of OIG field investigators that the various leads they had uncovered required further investigation. In addition, GAO found that, (1) information contained in the three OIG reports was erroneous and contradictory, (2) leads concerning alleged leaks were not thoroughly investigated; (3) important discrepancies raised by the investigations were never resolved; (4) witnesses provided conflicting information that was never fully investigated, and (5) the three reports did not comply with OIG standards regarding accuracy, completeness, and independent review and approval. GAO believes that Interior should further investigate the Powder River coal lease sale to resolve all unanswered questions and then take appropriate action based on the results of the investigation.

#### 124391

**Alaska Land Conveyance Program--A Slow, Complex, and Costly Process.** RCED-84-14, B-206829 June 12, 1984. 27 pp plus 6 appendices (39 pp.).

**Report to William P. Clark, Secretary, Department of the Interior; by J. Dexter Peach, Director, GAO Resources, Community, and Economic Development Division.**

**Issue Area:** Land Use Planning and Control: Effectiveness of the Use of the Land Being Planned, Managed, and Coordinated for Alaska (2326).

**Contact:** Resources, Community, and Economic Development Division.

**Budget Function:** Natural Resources and Environment: Conservation and Land Management (302.0)

**Organization Concerned:** Department of the Interior; Bureau of Land Management; Alaska.

**Congressional Relevance:** House Committee on the Budget; House Committee on Interior and Insular Affairs; Senate Committee on Budget; Senate Committee on Appropriations; Interior Subcommittee; Senate Committee on Energy and Natural Resources.

**Authority:** Alaska Statehood Act (P.L. 85-508). Alaska Native Claims Settlement Act (P.L. 92-203). Alaska National Interest Lands Conservation Act (P.L. 96-487; 94 Stat. 2371). Alaska Allotment Act (Land) (43 U.S.C. 270; 34 Stat. 197). Submerged Lands Act. Land Policy and Management Act (P.L. 94-579). State of Alaska v. Marcia Thorson and Phyllis Westcoast, 76 IBLA 264 (1983) BLM Manual of Surveying Instructions.

**Abstract:** GAO reviewed the Bureau of Land Management's (BLM) conveyance of land in Alaska to Alaskan natives and native corporations to evaluate BLM progress in conveying the land. **Findings/Conclusions:** GAO found that, at the end of 1983, BLM had conveyed or approved: (1) 73 percent of the land to which the State of Alaska was entitled; and (2) 70 percent of the land to which Alaskan native corporations were entitled. The State, and many of the native corporations surveyed, stated that their economic, social, and cultural development objectives had been adversely affected by the slow speed of land conveyance. GAO found that the three major obstacles to conveyance are: (1) pending native land claims; (2) pending navigability determinations for waterways on land to be conveyed; and (3) the slow and costly process of surveying land. BLM resolution of native land claims has been slow because: (1) the number of applications processed kept changing as the result of court and administrative determinations; and (2) the method by which applications are processed is complex. Navigability determinations are difficult because BLM and the state disagree on the criteria for determining whether waterways are navigable. The Department of the Interior has adopted a policy that ~~leaves the significant~~ ~~leaves the significant~~

navigability determinations, GAO believes that this policy will speed up the conveyance process. BLM has the administrative capability to handle more land surveys, but lacks funds. In the past, the state made some contributions to help pay for land surveys, but native corporations have made no such contributions. Few of the native corporations surveyed indicated a willingness to contribute to the cost of land surveys. **Recommendation To Agencies:** The Secretary of the Interior should direct the Director, BLM, to require, after providing reasonable notice, that all amendments to native allotment applications in a specified area be filed by a specific date. The Secretary of the Interior should direct the Director, BLM, to require the applicant, or an alternate with power of attorney, to be present when the allotment is field examined and to obtain an affidavit from the applicant agreeing to the allotment location. The Secretary of the Interior should direct the Director, BLM, to develop and implement a policy to request contributions for surveys from the native corporations and the State.

#### 124396

[*Protest of GSA Sale of Federal Property*]. B-215375. June 12, 1984. 2 pp.

**Decision re:** Rufus Byerly, by Harry R. Van Cleve, Acting General Counsel

**Contact:** Office of the General Counsel.

**Organization Concerned:** General Services Administration.

**Authority:** B-213433 ((1984). 31 U.S.C. 3526.

**Abstract:** An individual protested the sale of certain Federal property under a solicitation issued by the General Services Administration (GSA). The protester contended that the Government acquired this property through condemnation proceedings and would profit by its resale. The protester seeks the return of the property for the amount the Government paid, plus interest and other appropriate costs. The function of bid protest procedures is to determine whether procuring agencies adhere to procurement policies. Since the protester did not allege that GSA violated any procurement statute or regulation, the protest was not for consideration by GAO. Accordingly, the protest was dismissed.

#### 124425

[*EPA's Efforts To Clean Up Three Hazardous Waste Sites*. RCED-84-91; B-214226. June 7, 1984. Released June 14, 1984. 16 pp. Report to Rep. James J. Florio, Chairman, House Committee on Energy and Commerce; Commerce, Transportation, and Tourism Subcommittee; by Ralph V. Carlone, (for J. Dexter Peach, Director), GAO Resources, Community, and Economic Development Division.

**Issue Area:** Environmental Protection Programs: Effectiveness of Federal and State Programs in Reducing the Environmental and Health Dangers Posed by Hazardous and Solid Wastes (2221).

**Contact:** Resources, Community, and Economic Development Division.

**Budget Function:** Natural Resources and Environment: Pollution Control and Abatement (304.0).

**Organization Concerned:** Environmental Protection Agency.

**Congressional Relevance:** House Committee on Energy and Commerce: Commerce, Transportation, and Tourism Subcommittee; Rep. James J. Florio.

**Authority:** Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

**Abstract:** In response to a congressional request, GAO reviewed the status of cleanup efforts at three hazardous waste sites, provided information on progress at the sites, and discussed the lack of cost-effectiveness evaluations for remedial measures by the

Environmental Protection Agency (EPA). **Findings/Conclusions:** GAO found that, since 1980, cleanup actions have taken place at the three sites, and studies are underway to determine how to complete the tasks. Although the Superfund program provides that the long-term remedies be cost effective, no standards exist as to the extent of the required cleanup. Specifically, at the Laskin/Poplar Oil Company site in Ohio, EPA has disposed of contaminated oil and water. At the LiPari Landfill site in New Jersey, EPA has constructed an underground containment wall and, at the Picillo Farm site in Rhode Island, EPA has instituted a number of cleanup strategies. However, EPA has indicated that total cleanup of the LiPari site may not be practical because contaminants continue to leak from underground containment into ground and surface waters. GAO expressed concern that standards for cost-effective cleanup have not been developed and noted that an Office of Technology Assessment study is examining the extent to which the absence of specific national standard affects the selection of cleanup technologies and whether sufficient data exist to develop such standards.

#### 124433

[*Navy Plan for Providing Centralized Office Space at the Washington Navy Yard Is Cost-Effective*. NSIAD-84-133; B-215498. June 15, 1984. 5 pp. plus 2 appendices (9 pp.).

**Report to:** Rep. Jamie L. Whitten, Chairman, House Committee on Appropriations; by Frank C. Conahan, Director, GAO National Security and International Affairs Division.

**Issue Area:** Facilities and Material Management: Non-Line-of-Effort Assignments (0751).

**Contact:** National Security and International Affairs Division.

**Budget Function:** National Defense: Department of Defense - Military (Except Procurement and Contracting) (051.0).

**Organization Concerned:** Department of Defense; Department of the Navy.

**Abstract:** In response to a congressional request, GAO reviewed the Navy's plan to move from leased space and redevelop the Washington Navy Yard to provide centralized office space for 18,000 employees. GAO also evaluated the plan's cost effectiveness and reviewed a draft of the final environmental impact statement on the relocation of Navy personnel from leased office space to Government-owned office space. **Findings/Conclusions:** GAO found that by redeveloping the Navy yard and moving out of leased space the Navy would save \$263 million in present value terms over a 30-year period, and the breakeven point would be 16 years. In addition, the environmental impact report draft concluded that the Navy yard was the preferred alternative of four sites previously determined to have high potential for accommodating a major new Navy administrative complex and that movement to the Navy yard would provide the most positive environmental benefits with the fewest negative environmental consequences. Furthermore, under the Navy plan, most of the people moving to the Navy yard would vacate leased space in northern Virginia where the demand for office space is strong and lease rates will continue to rise. Accordingly, GAO found that the Navy plan to redevelop the Navy yard and to move from leased space is cost effective and should result in significant savings to the Government.

#### 124479

[*Query Concerning Repayment of O&M Costs Under California Central Valley Project*. B-198376. May 21, 1984. Released June 20, 1984. 10 pp.

**Letter to:** Rep. George Miller; by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General).

**Contact:** Office of the General Counsel.

**Organization Concerned:** Bureau of Reclamation

**Congressional Relevance:** Rep George Miller.

**Authority:** Reclamation Reform Act of 1982 Reclamation Extension Act (43 U.S.C. 492, 38 Stat. 686) Reclamation Project Act of 1939 (43 U.S.C. 485h(d) et seq.). H.R. 995 (76th Cong.) S. Rept. 84-2241 H.R. 3194 (80th Cong.) United States v Coachella Valley County Water District, 111 F. Supp. 172 (1953). 70 Stat. 483

**Abstract:** A question was asked concerning the repayment of operation and maintenance (O&M) expenses and capital costs under water service contracts with water districts served by the Bureau of Reclamation's Central Valley Project. GAO was asked whether there is legal authority for not paying the full amount of O&M charges in view of the repayment requirements of the Reclamation Project Act. In addition, GAO was asked if, absent specific authorization, the Bureau has legal authority to allow an extended capital repayment period. Finally, GAO was asked whether there is a provision of reclamation law or policy under which the unpaid O&M costs may be recovered, either through a supplementary contract or by adding the costs onto the end of the repayment period. GAO found that rates specified in water service contracts, which now are insufficient to cover all O&M charges, may not be increased prior to the end of the term, unless otherwise contractually authorized. The deferral of capital repayment because of the practice of assigning an increased share or all of the water charges to O&M is proper provided that, as a result of the term, any one contract does not exceed 40 years. Capital repayment must be completed during the useful life of the project. Finally, GAO found that it is proper to recover previously unpaid O&M costs by adding them to current O&M charges upon renewal of a water service contract, or as authorized by the terms of the contract.

#### 124534

[*Protest of Forest Service Rejection of Bid as Nonresponsive*.] B-215036. June 28, 1984. 2 pp.

**Decision re:** Buildings By Thrift, Inc.; by Milton J. Socolar, Acting Comptroller General.

**Contact:** Office of the General Counsel.

**Organization Concerned:** Buildings By Thrift, Inc.; Thrift Brothers Lumber Co., Inc.; Forest Service.

**Authority:** B-204168.2 (1982).

**Abstract:** A firm protested the rejection of its bid under a Forest Service timber sale, contending that the Forest Service improperly rejected its bid as nonresponsive. The protester's bid contained an obvious typographical error and the protester maintained that it should be allowed to increase its bid appropriately. GAO agreed and noted that no other bidder would be prejudiced by the correction, since the protester's was the high bid in any case. Accordingly, the protest was sustained.

#### 124538

*Congress Needs Better Information on Forest Service's Below-Cost Timber Sales.* RCED-84-96; B-210983 June 28, 1984. 24 pp. plus 5 appendices (22 pp.).

**Report to Congress:** by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General).

**Issue Area:** Land Use Planning and Control: Improving the Efficiency, Economy, and Cost Effectiveness of Federal Timber Management Practices (2322).

**Contact:** Resources, Community, and Economic Development Division.

**Budget Function:** Natural Resources and Environment: Conservation and Land Management (302.0).

**Organization Concerned:** Department of Agriculture; Forest Service.

**Congressional Relevance:** House Committee on Appropriations; Interior Subcommittee, House Committee on Agriculture; Forests, Family Farms and Energy Subcommittee; Senate Committee on Appropriations: Interior Subcommittee; Senate Committee on Agriculture, Nutrition, and Forestry; Soil and Water Conservation, Forestry and Environment Subcommittee; Congress.

**Authority:** Forest Management Act of 1976 (16 U.S.C. 472a). S. 3091 (94th Cong.). 16 U.S.C. 471.

**Abstract:** GAO analyzed 3,244 advertised timber sales made in four western Forest Service regions in fiscal years 1981 and 1982 to determine: (1) whether individual sales were being made below cost and, if so the general magnitude of this practice in terms of the number, amount of loss, and geographic location; (2) the justification for it; and (3) whether better data could be given to Congress. **Findings/Conclusions:** GAO found that, overall, Forest Service revenues exceeded its costs by \$712 million. However, although the timber was sold at or above appraised value, some of the sales did not generate enough revenues to cover the costs of making the sales. Below-cost sales had shortfalls of \$64 million in 1981 and \$92 million in 1982. Such sales occurred more frequently in Forest Service regions that had mostly low productivity timberlands, low sales values for predominant tree species, and relatively low volumes of timber sold. Generally, these sales were in areas that had steep terrain, which increased harvesting costs and involved engineering and construction costs. GAO found that, because the Forest Service does not identify and accumulate its costs for individual timber sales, it is hampered from taking timely actions to reduce costs or improve sale economics. GAO found that 47 to 89 percent of total sale costs were incurred after sale award. Limited cost data on individual sales hampered the Forest Service's response to its annual reporting requirement. The Forest Service makes below-cost sales to encourage the use of damaged timber, improve the growth of individual stands, or satisfy the needs of local communities dependent on national forest timber sales. Although the primary reason for selling timber below cost is to remove relatively low valued timber stands and replace them with higher valued timber stands, GAO found that this rationale was not validated by the net present value of the next stand of timber. **Recommendation To Congress:** Congress should require the Secretary of Agriculture to revise the annual reporting to Congress on Forest Service activities to include an estimate of the number and volume of timber sales sold below cost, the amount lost on these sales, and the justification on a summary basis for making such sales. **Recommendation To Agencies:** The Secretary of Agriculture should require the Chief of the Forest Service to develop a capacity to systematically determine the costs to sell timber for all national forest timber sales and on a statistically valid basis compare these costs with the estimated value to be received from the sale.

#### 124582

[*Comments on Decision Regarding Travel and Relocation Expense Claim*.] B-206546. June 29, 1984. 2 pp.

**Letter to:** Constantine Bolaris; by Robert L. Higgins, Assistant General Counsel, GAO Office of the General Counsel.

**Contact:** Office of the General Counsel.

**Organization Concerned:** Department of the Interior.

**Authority:** 41 U.S.C. 5. 49 U.S.C. 10721.

#### 124600

*Land Use Bibliography.* RCED-84-153. May 1984. 235 pp.

**Report by:** Charles A. Bowsher, Comptroller General.

**Issue Area:** Land Use Planning and Control (2300)

**Contact:** Resources, Community, and Economic Development Division.

**Budget Function:** Natural Resources and Environment Conservation and Land Management (302.0), Natural Resources and Environment: Other Natural Resources (306.0); Natural Resources and Environment: Recreational Resources (303.0)

**Organization Concerned:** Department of the Interior.

**Abstract:** This bibliography includes information on GAO documents directly and indirectly related to land use planning, management, and control which were released between January 1979 and December 1983.

#### 124650

*Economic Uses of the National Wildlife Refuge System Unlikely To Increase Significantly.* RCED-84-108, B-212869. June 15, 1984. 47 pp plus 6 appendices (53 pp.).

*Report to Rep. John D. Dingell, Chairman, House Committee on Energy and Commerce, Oversight and Investigations Subcommittee; by Charles A. Bowsher, Comptroller General.*

**Issue Area:** Energy Management of Federal Energy Lands (1608); Land Use Planning and Control: More Effective and Efficient Management of Federally Owned Lands To Meet Competing Demands and Preserve Natural Resources (2323).

**Contact:** Resources, Community, and Economic Development Division

**Budget Function:** Energy, Energy Conservation (272.0).

**Organization Concerned:** United States Fish and Wildlife Service; Department of the Interior

**Congressional Relevance:** House Committee on Appropriations; Interior Subcommittee; House Committee on Interior and Insular Affairs; House Committee on Energy and Commerce; Oversight and Investigations Subcommittee; Senate Committee on Appropriations; Interior Subcommittee; Senate Committee on Energy and Natural Resources; Rep. John D. Dingell

**Authority:** Migratory Bird Conservation Act. Wildlife Refuge System Administration Act (16 U.S.C. 668dd et seq.). Mineral Lands Leasing Act (30 U.S.C. 191). Alaska National Interest Lands Conservation Act (P.L. 96-487) 50 C.F.R. 26. 50 C.F.R 29.21-2, P.L. 98-151, P.L. 98-181. OMB Circular A-25. 16 U.S.C. 715s. 31 U.S.C. 9701.

**Abstract:** Pursuant to a congressional request, GAO reviewed the Department of the Interior's plans to expand the economic and public uses of lands included in the National Wildlife Refuge System (NWRS), focusing on: (1) how expansion decisions were reached and whether data provided by individual refuges were considered in Interior's plans; (2) plans to increase oil and gas development on NWRS lands; and (3) policies of Interior's Fish and Wildlife Service (FWS) for granting access to and use of public lands. **Findings/Conclusions:** GAO found that FWS initiated two surveys of refuge managers to identify potential expansion of uses for NWRS lands. FWS projected a potential increase of \$2 million from expansion of economic activities, exclusive of oil and gas development. However, many refuge managers believed that such increases were unlikely to be realized because of limited demand for products that could be produced on NWRS lands. GAO believes that these concerns are valid because of the low quality and small volume of products and the remote locations of many refuges. GAO also found that, although mitigation of potential damage to wildlife from oil and gas development is important, FWS has insufficient information as to the extent of oil and gas activities on NWRS lands to assess the impacts of current or increased development. In addition, FWS has not provided guidance to refuge managers on how oil and gas operations should be conducted. Recent congressional action has delayed plans to expand oil and gas activities on NWRS lands. GAO also found that FWS has no specific regulations on access to NWRS

not. In addition, FWS is not (1) consistently charging fees for access and other use permits; or (2) ensuring that revenues that are collected are deposited in the proper Treasury accounts. **Recommendation To Agencies:** The Secretary of the Interior should resolve the conflicting goals of: (1) promoting the multiple use of refuge lands; and (2) resolving resource problems on refuges. Any expansion of existing uses should be weighed carefully against any uncorrected existing problems and an individual refuge's capability to manage new or expanded uses. The Secretary of the Interior should issue regulations concerning the conduct of oil and gas operations, especially seismic surveys, on NWRS lands. The Secretary of the Interior should verify the nature and extent of oil and gas exploration and production activities in NWRS and evaluate their impacts on refuge lands. The Secretary of the Interior should require the Director, FWS, to issue a chapter of the Refuge Manual concerning oversight of oil and gas operations to provide guidance for refuge managers. The Secretary of the Interior should revise FWS regulations on refuge access to specify under what circumstances access will be granted to oil and gas lessees and other economic users, requiring FWS to specify access provisions in either the lease, permit, or agreement for economic use of a refuge. The Secretary of the Interior should require FWS to develop a fee system to recover, where practical, the administrative costs associated with processing permits for refuge access and use. The Secretary of the Interior should require FWS to improve its collection and tracking system for receipts which the refuges or regions collect. Such a system should include written guidance on where receipts should be deposited, a central coding procedure, and verification of these codes at the Denver Service Center.

#### 124659

*Inspection, Enforcement, and Permitting Activities at New Jersey and Tennessee Hazardous Waste Facilities.* RCED-84-7; B-214656. June 22, 1984. Released July 11, 1984. 8 pp plus 6 appendices (42 pp.).

*Report to Rep. James J. Florio, Chairman, House Committee on Energy and Commerce; Commerce, Transportation, and Tourism Subcommittee; by J. Dexter Peach, Director, GAO Resources, Community, and Economic Development Division.*

Refer to RCED-83-241, September 21, 1981, Accession Number 122523.

**Issue Area:** Environmental Protection Programs: Effectiveness of Federal and State Programs in Reducing the Environmental and Health Dangers Posed by Hazardous and Solid Wastes (2221).

**Contact:** Resources, Community, and Economic Development Division

**Budget Function:** Natural Resources and Environment: Pollution Control and Abatement (304.0).

**Organization Concerned:** Environmental Protection Agency.

**Congressional Relevance:** House Committee on Energy and Commerce; Commerce, Transportation, and Tourism Subcommittee; Rep. James J. Florio.

**Authority:** Resource Conservation and Recovery Act of 1976.

**Abstract:** In response to a congressional request, GAO reviewed activities associated with the Federal hazardous waste regulatory program and compliance under the Resource Conservation and Recovery Act. This report discusses how the program is being carried out in Tennessee and New Jersey and updates a prior report by identifying corrective actions the Environmental Protection Agency (EPA) has taken. **Findings/Conclusions:** GAO noted that Tennessee has administered its own inspection and enforcement program for several years, but New Jersey has only recently obtained primary inspection and enforcement authority from EPA. GAO found that 5 of the 34 New Jersey facilities and 11 of 14 Tennessee facilities were not in full compliance with the act with respect to ground water monitoring requirements.

Neither State knew whether the facilities were in compliance with financial responsibility requirements regarding closure and postclosure care. In Tennessee and New Jersey, followup on violations was not always performed and few enforcement actions were taken. Relatively few of the estimated 7,500 facilities nationwide needing permits have been issued permits by EPA and the States. GAO noted that EPA plans to act to correct these problems.

#### 124667

[*Protest of Forest Service Sale of Timber*]. B-213734 July 17, 1984. 3 pp.

*Decision re: Kodiak Timber, Inc.*, by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General)

**Contact:** Office of the General Counsel

**Organization Concerned:** Kodiak Timber, Inc., Modoc Lumber Co.; Forest Service

**Authority:** 36 C.F.R. 223.5(g). 49 Comp. Gen. 431. B-209816 (1983) B-209156 (1982)

**Abstract:** A firm protested a contract award to another firm under a Forest Service timber sale, contending that: (1) the awardee breached the contract by not paying a deposit within 30 days of the contract award, and (2) the Forest Service awarded it a contract after terminating the awardee's contract for not paying the deposit. The Forest Service notified the awardee of the breach of contract and invited other offerors to submit bids; the protester's was the high bid. The awardee noted a clause in the contract which allowed it to remedy the breach, and it paid the deposit and an interest penalty. The Forest Service returned the protester's bid unopened. GAO held that whether the awardee breached the contract was a matter of contract administration. In addition, GAO held that, since the Forest Service never accepted the protester's bid, there was no contract between the Forest Service and the protester. Accordingly, the protest was dismissed in part and denied in part.

Appropriations, Commerce, Justice, State and Judiciary Subcommittee; Senate Committee on Commerce, Science and Transportation, Senate Committee on Environment and Public Works.

**Abstract:** GAO reported on the stream forecasting activities of the National Weather Service, the Army Corps of Engineers, and other federal water resources operating agencies. The report determined whether opportunities exist to consolidate activities among agencies. **Findings/Conclusions:** GAO found that the agencies have developed independent stream forecasting capabilities which result in duplication of equipment, staff, and effort. GAO noted that the results of applying consolidation concepts to the Ohio River Basin indicate that benefits would result from establishing a joint regional data center in this basin. Similar benefits may also be possible in other river basins where more than one agency has established a capability to collect and store information and prepare stream forecasts to meet agency-specific requirements. **Recommendation To Agencies:** The Secretary of the Army should direct the Chief of Engineers to study the overall feasibility of creating joint Corps of Engineers/Weather Service stream forecast centers and establish such centers in those hydrographic regions where the operational requirements of both agencies can be met and duplication eliminated. The Secretary of Commerce should direct the Administrator, National Oceanic and Atmospheric Administration (NOAA) to study the overall feasibility of creating joint Corps/Weather Service stream forecast centers and establish such centers in those hydrographic regions where the operational requirements of both agencies can be met and duplication eliminated. The Secretary of the Army should direct the Chief of Engineers to actively solicit the input and participation of other agencies concerned with water data collection and stream forecasting in those regions. The Secretary of Commerce should direct the Administrator, NOAA, to actively solicit the input and participation of other agencies concerned with water data collection and stream forecasting in those regions.

#### 124744

*Consolidating Federal Stream Forecasting Activities May Reduce Duplication of Resources and Effort*. RCED-84-104, B-215655. July 24, 1984. 26 pp. plus 5 appendices (18 pp.).

*Report to John O. Marsh, Jr.*, Secretary, Department of the Army; Malcolm Baldrige, Secretary, Department of Commerce; by Ralph V. Carbone, (for J. Dexter Peach, Director), GAO Resources, Community, and Economic Development Division.

**Issue Area:** Water and Water Related Programs: Efforts To Meet the Nation's Water Needs and Make Use of its Water Resources (2513); Information Management: Government Need of and Use for Information Collected From or Maintained by Respondents (4203).

**Contact:** Resources, Community, and Economic Development Division.

**Budget Function:** Natural Resources and Environment: Water Resources (301.0)

**Organization Concerned:** Department of the Army; Department of the Army; Corps of Engineers; Department of Commerce; National Oceanic and Atmospheric Administration, National Oceanic and Atmospheric Administration; National Weather Service.

**Congressional Relevance:** House Committee on Appropriations; Energy and Water Development Subcommittee; House Committee on Appropriations; Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee; House Committee on Science and Technology; House Committee on Public Works and Transportation; Senate Committee on Appropriations; Energy and Water Development Subcommittee; Senate Committee on

#### 124774

[*Request for Remission of Liquidated Damages*]. B-215812. July 26, 1984. 1 p.

*Decision re: Allis-Chalmers, Inc.*; by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General).

**Contact:** Office of the General Counsel

**Organization Concerned:** Allis-Chalmers, Inc., Bureau of Reclamation.

**Authority:** B-213822 (1984). 10 U.S.C. 2312

**Abstract:** A firm requested the remission of liquidated damages assessed under a contract awarded by the Bureau of Reclamation for turbine replacement runners. The liquidated damages were imposed for failure to ship the runners in accord with the contract shipment dates. A favorable recommendation by the head of the contracting agency is a prerequisite to remission action by GAO. Since the agency recommended denial, GAO declined to grant the requested relief.

#### 124842

[*Assessment of the Adequacy of the EPA Indemnification Study Required by Section 25(a) of the Toxic Substances Control Act*]. RCED-84-170; B-203051. August 3, 1984. 5 pp. plus 1 enclosure (1 p.).

*Report to Congress*; by Charles A. Bowsher, Comptroller General.

**Issue Area:** Environmental Protection Programs: Improvement of the Regulation of Dangerous Pesticides and Chemicals (2225).

**Contact:** Resources, Community, and Economic Development Division

**Budget Function:** Natural Resources and Environment Pollution Control and Abatement (304.0).

**Organization Concerned:** Environmental Protection Agency

**Congressional Relevance:** Congress

**Authority:** Insecticide, Fungicide, and Rodenticide Act Toxic Substances Control Act (15 U.S.C. 2624) 31 U.S.C. 1304

**Abstract:** Pursuant to a legislative requirement, GAO reported on the adequacy of a study by the Environmental Protection Agency (EPA) of whether and under what conditions indemnification should be accorded any person as a result of EPA actions under federal law. **Findings/Conclusions:** GAO found that, because of delays and difficulties in conducting the study, EPA did not submit it to Congress until 5 years after it was due. GAO also found that the study provided a comprehensive examination of the legal and policy issues involved in indemnification and provided an adequate framework to assist Congress in deciding whether EPA needs new indemnification programs. GAO believes that the study adequately satisfied the requirements of the Toxic Substances Control Act. GAO advised Congress that it is reviewing indemnification under the Insecticide, Fungicide, and Rodenticide Act.

#### 124843

*[Information on Forest Service Below-Cost Timber Sales for National Forests in Colorado].* RCED-84-184; B-210983. August 3, 1984. 6 pp. plus 1 enclosure (6 pp.).

**Report to** Sen. Gary Hart; by J. Dexter Peach, Director, GAO Resources, Community, and Economic Development Division

**Issue Area:** Land Use Planning and Control: Improving the Efficiency, Economy, and Cost Effectiveness of Federal Timber Management Practices (2322).

**Contact:** Resources, Community, and Economic Development Division.

**Budget Function:** Natural Resources and Environment: Conservation and Land Management (302.0).

**Organization Concerned:** Forest Service; Department of Agriculture.

**Congressional Relevance:** Sen. Gary Hart

**Abstract:** Pursuant to a congressional request, GAO discussed the Forest Service's timber sales made by the national forests in Colorado for fiscal years (FY's) 1981 and 1982. **Findings/Conclusions:** GAO found that total Forest Service revenues from advertised timber sales in four regions exceeded Service sale costs by \$712 million. Although the timber was sold at or above the Service's appraised values, 27 percent of the sales in FY 1981 and 42 percent in FY 1982 failed to generate sufficient revenues to cover the costs of making the sales. In terms of volume sold, the Rocky Mountain Region, which includes Colorado plus three other states, accounted for about 4 percent of the total timber sold by all Forest Service regions during this period. For the national forests in Colorado, the percentages for below-cost sales were 98 percent in 1981 and 100 percent in 1982. GAO believes that management of federal timber resources could be improved by developing and using financial data in the timber sale planning and decisionmaking process.

#### 124852

*Legislative Changes Are Needed To Authorize Emergency Federal Coal Leasing.* RCED-84-17; B-208410. August 2, 1984. 36 pp. plus 3 appendices (6 pp.).

**Report to** Rep. James H. Weaver, Chairman, House Committee on Interior and Insular Affairs: Mining, Forest Management, and Bonneville Power Administration Subcommittee; by Charles A. Bowsher, Comptroller General.

**Issue Area:** Energy: Availability of Federal Lands To Help Meet the Nation's Energy Needs (1628); Land Use Planning and Con-

trol More Effective and Efficient Management of Federally Owned Lands To Meet Competing Demands and Preserve Natural Resources (2323)

**Contact:** Resources, Community, and Economic Development Division.

**Budget Function:** Energy Energy Supply (271.0)

**Organization Concerned:** Department of the Interior

**Congressional Relevance:** House Committee on Appropriations; Interior Subcommittee; House Committee on Interior and Insular Affairs, House Committee on Interior and Insular Affairs, Mining, Forest Management, and Bonneville Power Administration Subcommittee; Senate Committee on Appropriations; Interior Subcommittee; Senate Committee on Energy and Natural Resources; Congress; Rep. James H. Weaver

**Authority:** Mineral Lands Leasing Act (30 U.S.C. 181 et seq.); Federal Coal Leasing Amendments Act of 1976 (30 U.S.C. 201 et seq.) 43 C.F.R. 3400 43 C.F.R. 3425 1-4 P.L. 95-554; NRDC v. Hughes, 437 F. Supp. 981 (D.D.C. 1977)

**Abstract:** Pursuant to a congressional request, GAO reviewed the Department of the Interior's administration of coal leases, focusing on (1) Interior's emergency lease sale regulations, and (2) the need for legislative and administrative remedies to emergency leasing. **Findings/Conclusions:** Interior is required by law to issue federal coal leases by competitive bidding and ensure that the government receives fair market value for the coal. GAO found that Interior has had difficulty carrying out emergency leasing in a manner consistent with the requirements for competitive bidding and receipt of fair market value. Emergency leases are limited to situations where the lease applicant has a clear economic and competitive advantage over other bidders, and these leases have consistently been offered to meet the needs of the applicant requesting the lease sale. GAO also found that 33 percent of the emergency leases issued in one 18-month period did not produce coal for at least 3 years, as required by Interior regulations, and were not terminated. In addition, GAO found that Interior's method for determining fair market value is flawed because: (1) Interior does not assume that a lease tract has a higher value to an emergency lease applicant than it would on the open market, and (2) Interior's assumption that more than one bidder may be interested in an emergency lease tract has led to unrealistic estimates of the value of lease tracts to emergency lease applicants. **Recommendation To Congress:** To meet the emergency needs of existing mining operations, Congress should amend the Mineral Lands Leasing Act of 1920 to authorize the Secretary of the Interior to conduct emergency federal coal leasing using negotiated lease sale procedures for carrying it out. The legislation should provide for: (1) a statement of objectives to be achieved through emergency leasing; (2) opportunity for public comment and expressions of competitive leasing interest before conducting negotiated sales; (3) development of guidelines by the Secretary for negotiators to follow which, at a minimum, provide for access to economic and geological data, disclosure and protection of proprietary information, factors to consider in negotiating lease terms and reasonable value for the federal coal, and public disclosure of lease sale results; and (4) promulgation of regulations by the Secretary for designing and implementing an emergency coal leasing program consistent with its objectives and the above standards.

#### 124853

*Mineral Leasing Act Reciprocity Provision--Implementation and Constraints.* NSIAD-84-110; B-215117. July 2, 1984. Released August 1, 1984. 13 pp. plus 5 appendices (24 pp.).

**Report to** Rep. Edward J. Markey, Chairman, House Committee on Interior and Insular Affairs: Oversight and Investigations Subcommittee; by Frank C. Conahan, Director, GAO National Security and International Affairs Division.

**Issue Area:** Materials: Access to Materials (1809), International Affairs U.S. Advantage in Trade and Technology (0608)  
**Contact:** National Security and International Affairs Division  
**Budget Function:** International Affairs International Financial Programs (155 0)  
**Organization Concerned:** Department of the Interior; Department of State  
**Congressional Relevance:** House Committee on Interior and Insular Affairs Oversight and Investigations Subcommittee; Rep Edward J Markey  
**Authority:** Mineral Lands Leasing Act (30 U.S.C. 181 et seq.). Trade Act of 1974. Caribbean Basin Economic Recovery Act Deep Seabed Hard Mineral Resources Act 30 U.S.C. 184(h)  
**Abstract:** Pursuant to a congressional request, GAO reviewed the implementation of the reciprocity provision of the Mineral Lands Leasing Act, focusing on (1) the Department of the Interior's procedures for making determinations on mineral reciprocity, (2) the extent of interagency cooperation; (3) investment restrictions on U.S. firms in certain foreign countries, and (4) the views of U.S. firms regarding the adequacy and usefulness of the mineral reciprocity provision. **Findings/Conclusions:** The act allows foreign citizens to participate in developing certain minerals on federally leased lands through stock interest in U.S. firms, if the foreign country reciprocates by not denying U.S. citizens similar investment opportunities. In the 64 years that Interior has implemented the reciprocity provision, it has formally declared only Kuwait to be nonreciprocal, and it has sought to apply sanctions against Kuwait. Although a number of countries impose limitations on foreign mineral investments, past reciprocity determinations have concluded that such conditions are not unduly restrictive and do not violate the act. U.S. firms fear that the provision could have future adverse effects. GAO found that Interior revamped its procedures in 1982, and reciprocity reviews at Interior currently are completed within 4 to 7 months. Interior no longer relies heavily on the Department of State for information regarding countries under review, as it did in the past, but State did supply information to Interior through U.S. embassies for use in several recent reciprocity determinations. GAO found that Interior appears to have had sufficient data to make recent determinations and that industry representatives are not generally dissatisfied with Interior's implementation of the provision.

#### 124856

*The Tennessee Valley Authority's Benefits and Cost for Rehabilitating the Ocoee No. 2 Hydroelectric Project.* RCED-84-143, B-215148, July 23, 1984. Released July 31, 1984. 25 pp plus 2 appendices (4 pp)

Report to Rep. Don Sundquist; by Ralph V. Carbone, (for J. Dexter Peach, Director), GAO Resources, Community, and Economic Development Division.

**Issue Area:** Energy: Nuclear Nonproliferation (1614); Energy: Management of Federal Energy Lands (1608)

**Contact:** Resources, Community, and Economic Development Division.

**Budget Function:** Energy: Energy Supply (271.0)

**Organization Concerned:** Tennessee Valley Authority.

**Congressional Relevance:** Rep. Don Sundquist.

**Authority:** Environmental Policy Act of 1969 (National) Tennessee Valley Authority Act of 1933. P.L. 98-8 P.L. 98-151.

**Abstract:** Pursuant to a congressional request, GAO provided information on the Tennessee Valley Authority's (TVA) rehabilitation of the Ocoee Number 2 hydroelectric dam in Tennessee.

**Findings/Conclusions:** The Ocoee Number 2 dam generated power until 1976, when generation was stopped because of the deterioration of a wooden flume used to carry water between the

dam and the power house. When generation stopped, water was released through the dam, which made conditions favorable for recreational rafting. In 1979, TVA decided to rehabilitate the flume and restart power generation. This created a controversy between TVA and recreational users of the river because, when water is diverted into the flume for power generation, it is not available to release into the river for rafting. GAO found that: (1) TVA replaced the flume after performing a cost/benefit analysis; (2) the cost to rehabilitate the facility was about \$36.4 million; (3) power generated by the facility is expected to cost about 3.6 cents per kilowatt hour, which is less than the projected average cost for the TVA system; (4) the variable cost of generating power at the facility is lower than that for TVA coal-fired plants, which must generate power to replace that lost when the dam is not operating; (5) TVA projected about 100,000 recreational users of the river during 1983 and that such use of the river would contribute about \$4.5 million to the local economy in 1983; (6) Congress passed a one-time appropriation to reimburse TVA for having to generate power from other sources when the dam is not operating, and (7) TVA agreed with the State of Tennessee to release water into the river for recreational purposes 116 days per year, while commercial rafters will pay TVA a fee based on the number of customers they serve.

#### 124870

*[Request for Advance Decision Concerning Applicability of Matching-Share Requirements].* B-215646, August 7, 1984. 5 pp. Decision re Pennsylvania; by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General).

**Contact:** Office of the General Counsel

**Organization Concerned:** Pennsylvania; Department of the Interior; Office of Surface Mining Reclamation and Enforcement.

**Authority:** Surface Mining Control and Reclamation Act of 1977. Supplemental Appropriations Act, 1984. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.). Federal Aid Highway Act of 1970 (23 U.S.C. 101(a)). H. Rept. 91-1656 S. 1 (91st Cong.). S. Rept. 91-488. Triangle Improvement Council v. Ritchie, 402 U.S. 497 (1971).

**Abstract:** An advance decision was requested as to the appropriate funding level for a grant to Pennsylvania for relocation expenses to be paid by the state in connection with the acquisition of certain properties affected by a mine fire. The state requested 100-percent funding, while the Office of Surface Mining Reclamation and Enforcement contended that it was limited to a maximum of 90 percent of the costs. Under the Uniform Relocation and Real Property Acquisition Policies Act, the costs of relocation payments and assistance are to be included as part of the cost of a program or project for which federal financial assistance is available in the same manner and to the same extent as other program or project costs. The federal share of relocation benefits is limited to 90 percent of the relocation costs, the same limitation applicable to the acquisition program. Accordingly, a grant to the state from the Abandoned Mine Reclamation Fund may not exceed 90 percent of the amount of relocation expenses incurred by the state in connection with its acquisition of private homes, businesses, and nonprofit buildings incident to the mine fire.

#### 124874

*Private Mineral Rights Complicate the Management of Eastern Wilderness Areas.* RCED-84-101; B-211306, July 26, 1984. 27 pp. plus 6 appendices (21 pp.).

Report to Congress, by Charles A. Bowsher, Comptroller General.

**Issue Area:** Energy: Management of Federal Energy Lands (1608); Land Use Planning and Control: More Effective and Efficient Management of Federally Owned Lands To Meet Competing Demands and Preserve Natural Resources (2323).

**Contact:** Resources, Community, and Economic Development Division.

**Budget Function:** Natural Resources and Environment: Conservation and Land Management (302.0).

**Organization Concerned:** Department of the Interior; Forest Service; Department of Agriculture.

**Congressional Relevance:** House Committee on Appropriations: Agriculture, Rural Development, and Related Agencies Subcommittee; House Committee on Agriculture: Conservation, Credit, and Rural Development Subcommittee; Senate Committee on Appropriations: Agriculture and Related Agencies Subcommittee; Senate Committee on Agriculture, Nutrition, and Forestry: Soil and Water Conservation Subcommittee; Senate Committee on Energy and Natural Resources; Congress; Sen. James A. McClure.

**Authority:** Environmental Policy Act of 1969 (National) (P.L. 91-180). Wilderness Act (P.L. 88-577). Land Policy and Management Act. Weeks Act (Protection of Watersheds) P.L. 97-466. P.L. 93-622.

**Abstract:** Pursuant to a congressional request, GAO studied the problems associated with private mineral rights for wilderness areas in the eastern United States. While the government has some regulatory control over mineral resource development in wilderness areas, it cannot deny the development of private mineral rights. However, such development conflicts with the legislation that created the National Wilderness Preservation System. That legislation restricted activities in wilderness areas to recreational, scenic, scientific, educational, historical, and conservation uses by the public. **Findings/Conclusions:** GAO found that the Forest Service, which manages wilderness areas, has experienced problems resulting from the possible development of private mineral rights in four wilderness areas and one potential wilderness area in the eastern United States. In one wilderness area, the owner of mineral rights for the area submitted a plan to mine coal. The Forest Service determined that such mining could be destructive to the area, and attempted to acquire the mineral rights. However, the owner and the Forest Service could not agree on a price for the rights, and the Forest Service believes that it must allow mining. Based on this and other such experiences, GAO and the Forest Service believe that such problems could increase because the Forest Service cannot legally prevent mineral development and Congress is unlikely to appropriate funds to acquire mineral rights for more wilderness areas. GAO also found that, in 1979, the Forest Service submitted recommendations to Congress regarding expansion of the wilderness system. However, the Forest Service did not consider the problems associated with private mineral rights for proposed wilderness areas. The Forest Service is currently reevaluating its wilderness recommendations. **Recommendation To Congress:** Before Congress enacts legislation to create additional eastern wilderness areas, it may wish to: (1) consider the extent and development potential of private mineral rights in these areas; and (2) specify whether the Forest Service should acquire mineral rights or allow mining in wilderness areas. **Recommendation To Agencies:** Because the Forest Service did not analyze the potential problems or costs associated with private mineral rights when it developed its 1979 wilderness recommendations, the Secretary of Agriculture should direct the Forest Service's southern and eastern regional offices to perform this type of analysis when evaluating the wilderness recommendations. This analysis should include for each area consideration of private mineral development potential, the government's ability to control mineral development if it occurs, the need to acquire private mineral rights, and a range of estimated acquisition costs

124876

*Bureau of Indian Affairs' Participation in a Proposed Hydroelectric Facility at Kootenai Falls, MT.* RCED-84-126, B-212240. July 11, 1984 Released August 9, 1984 16 pp plus 2 appendices (4 pp.).

Report to Sen. Max S. Baucus, by Ralph V. Carbone, (for J. Dexter Peach, Director), GAO Resources, Community, and Economic Development Division

**Issue Area:** Land Use Planning and Control Impact of Federal Programs on the Use and Management of Non-Federal Lands and Related Resources (2324)

**Contact:** Resources, Community, and Economic Development Division

**Budget Function:** Natural Resources and Environment: Water Resources (301.0)

**Organization Concerned:** Bureau of Indian Affairs, Department of the Interior, Federal Energy Regulatory Commission

**Congressional Relevance:** House Committee on Appropriations: Interior Subcommittee, House Committee on Interior and Insular Affairs, Senate Committee on Appropriations: Interior Subcommittee; Senate Select Committee on Indian Affairs; Sen. Max S. Baucus.

**Authority:** Snyder Act (Bureau of Indian Affairs) (25 U.S.C. 13). Power Act (Water) (16 U.S.C. 817). Department of Interior Appropriation Act, 1979 (P.L. 95-465) Accounting and Auditing Act (31 U.S.C. 3501 et seq.) Federal Managers' Financial Integrity Act of 1982 (31 U.S.C. 3512). P.L. 97-100. B-95136 (1979). 25 U.S.C. 385c. 60 Stat. 895 62 Stat. 269. 95 Stat. 1391

**Abstract:** The Department of the Interior's Bureau of Indian Affairs (BIA) has an agreement with a group of electric cooperatives to pay up to 10.5 percent of the costs of determining the feasibility of, and obtaining a license for, constructing and operating a hydroelectric power generating facility at Kootenai Falls, Montana. Within BIA, the Flathead Indian Reservation Irrigation and Power Project has responsibility for administering the agreement. Pursuant to a congressional request, GAO reviewed BIA participation in the venture to determine whether federal funds were properly spent. **Findings/Conclusions:** GAO found that, while BIA partially paid for its share of the feasibility study and license application costs with reprogrammed funds, the reprogramming of these funds was not reported to Congress. In addition, GAO found that BIA improperly used revenues from the Flathead Project to help pay its share of the costs of the Kootenai Falls venture. GAO also found that internal controls for the Flathead Project were inadequate in that: (1) the financial staff for the Flathead Project was not sufficiently trained or experienced in the financial management of such a complex project; and (2) since the Flathead Project's administrative officer position became vacant, project engineers have had responsibility for reviewing, approving, and certifying all financial transactions, in addition to authorizing project expenditures. As a result of financial management problems and tribal opposition to the Kootenai Falls venture, BIA has suspended its participation in the venture pending a determination by Interior's Solicitor as to the appropriateness of BIA participation. In addition, the staff and an administrative law judge of the Federal Energy Regulatory Commission have recommended that the Federal license for construction and operation of the Kootenai Falls facility be denied, but GAO believes that litigation could delay a final decision on the license for several years. **Recommendation To Agencies:** The Secretary of the Interior should direct the Assistant Secretary for Indian Affairs to report to congressional appropriations committees all reprogramming actions and the total funds made available for funding the BIA share of Kootenai Falls feasibility study and license application costs. The Secretary of the Interior should direct the Assistant Secretary for Indian Affairs to terminate the use of Flathead power system revenues for

**Kootenai Falls feasibility study and license application costs** The Secretary of the Interior should direct the Assistant Secretary for Indian Affairs to reimburse the Flathead power project revenues from an available appropriation account or seek a deficiency appropriation from Congress for that purpose. If Interior's Solicitor determines that it is in the government's and the Flathead Indian Reservation's best interests for BIA to continue its participation in the Kootenai Falls venture, the Secretary of the Interior should direct the Assistant Secretary for Indian Affairs to develop and present to Congress funding proposals for continued BIA participation. The Secretary of the Interior should direct the Assistant Secretary for Indian Affairs to ensure that the financial management system at the Flathead Indian Reservation Irrigation and Power Project complies with the Comptroller General's internal control standard requiring adequately trained and experienced personnel.

**124974**

**EPA's Innovative Technology Program for Waste Water Treatment Needs Better Controls.** RCED-84-79; B-200800 August 20, 1984. 30 pp. plus 2 appendices (22 pp )  
Report to William D. Ruckelshaus, Administrator, Environmental Protection Agency; by J Dexter Peach, Director, GAO Resources, Community, and Economic Development Division.

**Issue Area:** Environmental Protection Programs Effective Implementation of Water Pollution Control Activities and Programs (2222).

**Contact:** Resources, Community, and Economic Development Division.

**Budget Function:** Natural Resources and Environment: Water Resources (301 0)

**Organization Concerned:** Environmental Protection Agency.

**Congressional Relevance:** House Committee on Appropriations: HUD-Independent Agencies Subcommittee; House Committee on Energy and Commerce; Senate Committee on Appropriations: HUD-Independent Agencies Subcommittee, Senate Committee on Environment and Public Works

**Authority:** Clean Water Act of 1977 (P.L. 95-217).

**Abstract:** GAO discussed the need for better controls in the Environmental Protection Agency's (EPA) innovative technology program for wastewater treatment. The program has significant potential to improve wastewater treatment technology and can reduce expenditures for energy, construction, and operation of future projects. **Findings/Conclusions:** GAO found that EPA awarded \$20.2 million to questionable projects and \$7.3 million to projects which could not be assessed for innovative sewage treatment technologies. Further, project engineers in two of the three regions reviewed by GAO generally did not ensure that projects were innovative. GAO concluded that, although the program was designed to break down barriers hindering development of innovative technology in wastewater treatment, the program has had limited success. The program does not provide sufficient incentives for consulting engineers and states to take the risk or incur the additional cost of developing innovative projects.

**Recommendation To Agencies:** The Administrator, EPA, should, to help ensure that the objectives of the innovative technology program are achieved, determine the extent to which all EPA regions are ensuring that projects are technologically innovative. The Administrator, EPA, should direct regional administrators to establish procedures which will help ensure that the factors constituting technological risk are identified and evaluated. The procedures should include having the regional administrator, (1) independently verify that all proposed innovative projects are thoroughly and systematically evaluated for technological risk including projects proposed under regional discretion authority; (2) send all innovative project requests to the Cincinnati technical support group for review; unless actions to the contrary are appropriately justified, the regions should be required to follow the support group's recommendations; and (3) provide a written explanation of the basis for each innovative decision including the evaluation of risk and potential benefits and actions taken on the technical support group's recommendations. The Administrator, EPA, should establish a targeted demonstration program for potential innovative technologies. EPA should examine the possibility of using funds from other EPA programs or, if funds are not available, EPA should prepare a justification for additional funds and provide such information to the appropriate congressional committees for their consideration.

**124906**

**Department of Agriculture Is Using Improved Payment Procedures for Its 1984 Farm Programs.** RCED-84-159, B-215571 August 6, 1984. Released August 13, 1984. 5 pp. plus 3 appendices (24 pp.).

**Report to Rep. Berkley W Bedell;** by J. Dexter Peach, Director, GAO Resources, Community, and Economic Development Division.

**Issue Area:** Food: Effectiveness and Adequacy of Farm Programs Directed Toward Maintaining Farm Productivity (1738).

**Contact:** Resources, Community, and Economic Development Division.

**Budget Function:** Agriculture: Farm Income Stabilization (351.0).

**Organization Concerned:** Department of Agriculture, Agricultural Stabilization and Conservation Service

**Congressional Relevance:** Rep. Berkley W Bedell.

**Abstract:** In response to a congressional request, GAO examined whether: (1) Department of Agriculture (USDA) procedures for 1983 farm programs allow a farmer to receive payments based on the average yields of land rather than on the yield of the land actually set aside; (2) individual farmers received payments beyond the production capability of the land actually set aside; and (3) there are any cost-effective administrative remedies available to USDA which would preclude farm payments that do not reflect the actual yield capability of the land set aside. **Findings/Conclusions:** GAO found that USDA procedures allow farmers to receive program payments for corn, wheat, and sorghum based on average yields of land. However, some lower yielding dry land which is set aside receives payment on the basis of higher yielding irrigated land. With respect to rice and cotton crops, payments are based on historical yields. Overall, farmers receive payments for corn, wheat, and sorghum based on average and irrigated crop yields that would have been lower if the payments were based on the expected yield of the land actually set aside. USDA could have lowered its payment amounts; however, GAO did find instances where payments to individual farmers would have been larger if based on land actually set aside. This occurred when farmers chose to set aside higher yielding irrigable land but were paid on the basis of lower yielding dry land. GAO found that there are administrative remedies available to USDA and that USDA has already take remedial action to prevent future payments on the basis of average or irrigated yields. The revised procedures will make use of existing data and procedures already available at the county level so that no significant amount of additional work or costs is involved. In view of this, GAO believes that the USDA action will be most effective.

**125053**

**[Wilderness Mineral Assessment Reports Could Be Improved To Better Meet Land Use Decisionmaking Needs].** August 14, 1984. 4

*Report to Dallas L. Peck, Director, Department of the Interior Geological Survey, by F Kevin Boland, Senior Associate Director, GAO Resources, Community, and Economic Development Division*

**Issue Area:** Materials Materials Resource Base (1815), Land Use Planning and Control. More Effective and Efficient Management of Federally Owned Lands To Meet Competing Demands and Preserve Natural Resources (2323)

**Contact:** Resources, Community, and Economic Development Division

**Budget Function:** Natural Resources and Environment. Other Natural Resources (306 0).

**Organization Concerned:** Forest Service, Department of the Interior; Geological Survey; Department of the Interior; Bureau of Mines.

**Congressional Relevance:** House Committee on Appropriations Interior Subcommittee; House Committee on Interior and Insular Affairs, Senate Committee on Appropriations; Interior Subcommittee; Senate Committee on Energy and Natural Resources

**Authority:** Wilderness Act. Forest Management Act.

**Abstract:** As part of the work which GAO has conducted over the past 2 years in examining a number of federal mineral land assessment programs, GAO explored aspects of the wilderness mineral assessment program conducted jointly by the U.S. Geological Survey and the Bureau of Mines for the Forest Service (FS). **Findings/Conclusions:** GAO found that these assessment reports are not as useful to FS planners as they could be. While the primary purpose of the wilderness mineral surveys is to aid land use decisionmakers, the reports are often: (1) difficult to understand and to use, and (2) little more than raw data requiring lengthy interpretation. In addition, information necessary to place mineral data in perspective is missing. The surveys are fairly detailed and, depending on the size and complexity of the area studied, a single assessment may consume up to 3 years of research team time. Although FS is a principal user of the mineral assessments, it has had little input as to the format or the content of the assessment reports. These reports are highly technical and are intended to add to what is known about the nation's geology. Although the reports are supposed to be aimed at land use decisionmakers, the Survey distributes the reports to state and local governments, oil and gas industries, and academia. FS officials suggest that the reports could be far more useful for land use decisions if the data were directed toward land use managers. FS managers need to know where the minerals are located, whether they are in demand, whether they might be economically mined, and how they would be transported. In addition, regularly scheduled briefings on these topics could be valuable. The Bureau routinely collects this information. GAO found that, despite Bureau intentions, few changes have been made in the assessment reports. **Recommendation To Agencies:** The U.S. Geological Survey and the Bureau of Mines, in consultation with the Forest Service, should revise the wilderness mineral assessment reports so that they are more useful to FS planners and land managers. The U.S. Geological Survey should provide further interpretation of the mineral resource data. The Bureau of Mines should furnish resource, technological and economic information that places the survey results in context for planning purposes.

## 125069

*The Steel Industry Compliance Extension Act Brought About Some Modernization and Unexpected Benefits.* RCED-84-103; B-214430.

September 5, 1984. 21 pp. plus 4 appendices (9 pp.).

*Report to Congress;* by Milton J. Socolar, Acting Comptroller General.

**Issue Area:** Environmental Protection Programs; Effectiveness of Environmental Protection Regulatory Strategies and Their Balance With Other Priorities (2227)

**Contact:** Resources, Community, and Economic Development Division.

**Budget Function:** Natural Resources and Environment Pollution Control and Abatement (304 0)

**Organization Concerned:** Environmental Protection Agency.

**Congressional Relevance:** House Committee on Appropriations; HUD-Independent Agencies Subcommittee; House Committee on Energy and Commerce, Senate Committee on Appropriations; HUD-Independent Agencies Subcommittee; Senate Committee on Environment and Public Works; Congress

**Authority:** Steel Industry Compliance Extension Act of 1981 (42 U.S.C 7401) Clean Air Act. Clean Water Act of 1977. H.R. 5252 (97th Cong.). S. 431 (98th Cong.). S. 432 (98th Cong.). S. 1736 (98th Cong.).

**Abstract:** GAO assessed the impact of the Steel Industry Compliance Extension Act, which allowed the Environmental Protection Agency (EPA) to defer, for approved steel companies, the date for meeting air pollution requirements. To approve a company under the act, EPA had to: (1) determine that the deferral of air pollution control spending was necessary to improve the efficiency of company facilities; (2) find that the company would spend on modernization an amount equal to the amount of air pollution control spending deferred; (3) reach agreement with the company for a judicial consent decree to ensure that company facilities would comply with federal law; (4) find that the company had sufficient funds to comply with federal law; and (5) determine that approval of the company would not degrade air quality during the compliance extension. **Findings/Conclusions:** GAO found that 10 companies representing about 50 percent of U.S. steel production applied for benefits under the act. EPA determined that 6 of the applicants were eligible to participate in the program, and GAO found that the 5 firms that participated spent about \$49 million on modernization. GAO noted that, while spending under the program was less than expected, unexpected benefits that were realized included: (1) one corporation's sharing of a proprietary emission control process with other firms in the steel industry; and (2) an increased number of consent decrees, which EPA prefers over other compliance mechanisms. GAO also found factors that limited eligibility for benefits under the act. While the act provided that firms applying for benefits were required to comply with existing judicial decrees, it also provided that de minimis, or negligible, violations could be excused. However, the act did not define de minimis violations and EPA eventually used a strict interpretation of such violations. In addition, GAO found that companies' spending under the act was limited by: (1) EPA or corporate determinations that funds were not eligible to be diverted to modernization; (2) overestimated spending commitments; (3) proposed pollution control projects that were either ineligible under the act or were not necessary; and (4) poor economic conditions, which limited companies' willingness to divert pollution control funds to modernization. **Recommendation To Congress:** Congress should, in considering any future legislation which extends pollution control or other regulatory compliance deadlines, specifically define the criteria that EPA or other agencies should use to determine program eligibility.

## 125115

*[Protest of Forest Service Prohibition on Use of Surveying Technique].* B-215251, B-215294. September 10, 1984. 3 pp.

*Decision re:* Robinson Engineering, Inc.; John B. Guyton; by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General).

**Contact:** Office of the General Counsel.

**Organization Concerned:** Forest Service; Robinson Engineering, Inc.

**Authority:** 36 C.F.R. 261 5(b). Cal. Pub Res. Code §4445 (Deering 1976) B-213046 (1983).

**Abstract:** An engineering firm and a surveyor protested the Forest Service's prohibition of the use of a magnesium tracer technique in current and future offers to perform boundary surveys of National Forests in California because both the Forest Service and the state regard the technique as a fire hazard. The protesters complained that: (1) the Forest Service has allowed the use of the technique the past and, therefore, should do so now; (2) California law cannot be applied to restrict contracts performed on federal lands; and (3) because the technique which they use is a more accurate, efficient, and cost-effective surveying method, it was an abuse of discretion for the Forest Service to take this action. Both Forest Service regulations and California state law prohibit the use of this technique in forested areas. Despite any allowance of the use of the technique in the past, the Forest Service agrees with California that it is a fire hazard. In addition, National Forest surveys often necessitate entrance onto adjoining state or private lands and the possibility of violating California law with respect to adjoining nonfederal lands would still exist. GAO will not question an agency's decision concerning its best method of accommodating its minimum needs absent a clear showing that the decision is arbitrary or otherwise unreasonable. GAO found that the Forest Service is justified in prohibiting the technique where a fire hazard outweighs any restrictions which might be imposed on a protester. This action did not prevent the protesters from competing, rather it required them to propose the use of an alternative surveying method. Accordingly, the protests were denied.

#### 125145

*Implementation of the Pacific Northwest Electric Power Planning and Conservation Act's Fish and Wildlife Provisions.* RCED-84-166; B-214960. August 17, 1984. Released September 19, 1984. 8 pp. plus 9 appendices (36 pp.).

**Report to Rep. John D. Dingell, Chairman, House Committee on Energy and Commerce: Oversight and Investigations Subcommittee;** by J. Dexter Peach, Director, GAO Resources, Community, and Economic Development Division.

**Issue Area:** Energy: Pacific Northwest Power Act (1606); Water and Water Related Programs: Efforts To Meet the Nation's Water Needs and Make Use of its Water Resources (2513).

**Contact:** Resources, Community, and Economic Development Division.

**Budget Function:** Energy: Energy Supply (271.0).

**Organization Concerned:** Department of Energy; Pacific Northwest Electric Power and Conservation Planning Council; Bonneville Power Administration; Pacific Northwest Utilities Conference Committee; National Oceanic and Atmospheric Administration; National Marine Fisheries Service.

**Congressional Relevance:** House Committee on Energy and Commerce: Oversight and Investigations Subcommittee; Rep. John D. Dingell.

**Authority:** Mitchell Act (Columbia River Basin Fishery Development). Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839). H.R. 5052 (98th Cong.).

**Abstract:** Pursuant to a congressional request, GAO reviewed implementation of the fish and wildlife provisions of the Pacific Northwest Electric Power Planning and Conservation Act (Northwest Power Act), focusing on: (1) the Pacific Northwest Electric Power and Conservation Planning Council's funding and staffing for its fish and wildlife activities; (2) criticisms of the Council's water budget, which is the volume of water set aside for anadromous fishes; (3) actions by the Bonneville Power Administration (BPA) to implement the Council's program; (4) BPA funding for new fish and wildlife projects; (5) past and current BPA funding levels for fish and wildlife activities; and (6) other federal and state agencies' funding actions for fish and wildlife activities.

**Findings/Conclusions:** GAO found that the Council's: (1) staffing levels for fish and wildlife activities are adequate but may need to be increased if efforts to implement the Council's program are greater than anticipated; (2) funding for fish and wildlife activities comes from BPA; and (3) fish and wildlife activities have centered on oversight of BPA implementation of the Council's program, coordinating research efforts, and gathering data for a revised fish and wildlife program. GAO also found that: (1) because BPA has not made a comprehensive study to determine what organizational and staffing changes might enhance BPA compliance with the intent of the Northwest Power Act, it could not be determined what resources should be necessary for BPA to carry out its fish and wildlife activities; and (2) BPA funding of fish and wildlife activities has increased each year since 1981. With regard to the Council's water budget, GAO found that, while a committee of local utilities and industrial consumers was concerned that the water budget could be too costly in economic terms, the Council based its water budget decisions on the best available information. In addition, GAO found that: (1) several proposals have been advanced, under which BPA would assume responsibility for the Columbia River Fisheries Development program, which is currently administered by the National Marine Fisheries Service; and (2) while state funding for fish and wildlife activities has increased in three states and remained constant in one, federal funding from sources other than BPA has fluctuated.

#### 125176

*[Bonneville Power Administration's Repayment of Federal Investment in Columbia River Power System].* September 13, 1984. 5 pp.

**Testimony before the Senate Committee on Energy and Natural Resources;** by F. Kevin Boland, Senior Associate Director, GAO Resources, Community, and Economic Development Division.

**Contact:** Resources, Community, and Economic Development Division.

**Organization Concerned:** Bonneville Power Administration.

**Congressional Relevance:** Senate Committee on Energy and Natural Resources.

**Authority:** Bonneville Dam Act (16 U.S.C. 832f). Columbia River Transmission System Act (16 U.S.C. 838g). Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839e).

**Abstract:** GAO discussed the Bonneville Power Administration's (BPA) repayment to the Treasury of the federal investment in the Columbia River Power System. The federal investment in the system stands at about \$7.9 billion, and federal law requires BPA to repay this investment. At the close of fiscal year (FY) 1983, BPA had repaid about 8 percent of the total federal investment. In March 1982, the BPA Administrator made a commitment to reduce costs and increase rates to prevent nonrepayments on the investment from occurring in the future; however, BPA experienced an operating loss in FY 1983 and no payments were made. BPA estimated that it would pay \$153.4 million in deferred interest in FY 1984. GAO concluded that, while BPA has made recent efforts to catch up on repayments, a cost-based method with a fixed annual repayment schedule would place more discipline in the repayment process and help ensure its consistent application over the long run. This is important considering that 92 percent of the federal investment remains to be paid in future years.

#### 125179

*[National Pollutant Discharge Elimination System Permit Compliance by Major Industrial Dischargers in Louisiana].* September 19, 1984. 11 pp. plus 4 appendices (4 pp.).

**Testimony before the House Committee on Public Works and Transportation:** Investigations and Oversight Sub-

Hugh J. Wessinger, Senior Associate Director, GAO Resources, Community, and Economic Development Division.

**Contact:** Resources, Community, and Economic Development Division.

**Organization Concerned:** Environmental Protection Agency.

**Congressional Relevance:** House Committee on Public Works and Transportation Investigations and Oversight Subcommittee.

**Authority:** Clean Water Act of 1977 H.R. 3282 (98th Cong.).

**Abstract:** GAO discussed how well certain major industrial dischargers in Louisiana have been complying with National Pollutant Discharge Elimination System permits, the principal means of controlling the nation's water pollution. GAO noted that: (1) permit noncompliance over a 45-month period was frequent and extensive; (2) compliance reporting to top Environmental Protection Agency (EPA) management does not fully disclose the frequency and severity of noncompliance problems; and (3) the EPA region's enforcement actions have little impact on abating noncompliance. Further, EPA reporting of only those dischargers that are in significant noncompliance with permit conditions incorrectly indicates that the noncompliance problem is not widespread. GAO concluded that noncompliance is widespread and frequent for both major municipal and industrial dischargers.

#### 125305

[Application of 31 U.S.C. 6907]. B-212145. October 2, 1984. 6 pp.

**Decision re:** Payments to Wisconsin Local Government Units, by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General).

**Contact:** Office of the General Counsel.

**Organization Concerned:** Bureau of Land Management.

**Authority:** Payment in Lieu of Taxes Act (31 U.S.C. 6901 et seq.). 43 C.F.R. 1881.0-5(b)(1). 43 C.F.R. 1881.1-5(a)(3). 49 Fed. Reg. 31473. Wis. Stat. § 470 (1980). Meade Township v. Andrews, 695 F.2d 1006 (6th Cir. 1982) S. Rept. 98-141. 129 Cong. Rec. S8444.

**Abstract:** An advance decision was requested regarding fiscal year 1984 payments to units of local government in Wisconsin under the Payments in Lieu of Taxes Act. The Bureau of Land Management (BLM) asked how the act, which provides for making payments directly to states in certain circumstances, applied to a state act which provides for state allocation of payments for national forest lands but is silent regarding allocation of payments for other entitlement lands. Specifically, BLM asked whether the state act conforms with the provisions of the federal act and, if so, whether a single payment covering national forest lands and other entitlement lands within the state may be made to the state. GAO found that the federal law permits a state to enact legislation requiring that any payments which would be made to units of general local government could be paid to a state for reallocation to local governments if the state enacts suitable legislation. Under the state law in question, the state would distribute the BLM attributable to national forest lands to local government units, and the remaining funds would be distributed by the state to counties in which such lands are located in the same manner as they have been distributed by BLM. Therefore, GAO found that the state statute is a proper implementation of the federal law, notwithstanding its silence on non-national forest lands. Since the state is obligated to make distribution in accordance with the federal act, including the requirement that reallocated national forest land funds are only available for smaller units of government within the boundaries of the larger unit of government which would otherwise have received payment, GAO suggested that BLM consider obtaining a formal commitment from the state to that effect. GAO concluded that the state act con-

make one payment to the state. To ensure compliance with the federal distribution requirements, GAO suggested that BLM provide the state at the time of payment with a list of distributions to be made to counties that contain entitlement lands other than national forest lands and monitor the state's subsequent actions.

#### 125314

[Natural Resource Damage Claims and Assessment Regulations Under Superfund]. RCED-84-196; B-216105. September 4, 1984 Released October 4, 1984 10 pp.

**Report to:** Sen. Max S. Baucus, Ranking Minority Member, Senate Committee on Environment and Public Works: Toxic Substances and Environmental Oversight Subcommittee; by J Dexter Peach, Director, GAO Resources, Community, and Economic Development Division

**Issue Area:** Environmental Protection Programs: Effectiveness of Federal and State Programs in Reducing the Environmental and Health Dangers Posed by Hazardous and Solid Wastes (2221).

**Contact:** Resources, Community, and Economic Development Division

**Budget Function:** Natural Resources and Environment: Pollution Control and Abatement (304.0).

**Organization Concerned:** Environmental Protection Agency; Department of the Interior.

**Congressional Relevance:** Senate Committee on Environment and Public Works: Toxic Substances and Environmental Oversight Subcommittee; Sen. Max S. Baucus.

**Authority:** Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (P.L. 96-510). Executive Order 12316. Executive Order 12286. H.R. 2867 (98th Cong.).

**Abstract:** Pursuant to a congressional request, GAO reviewed the implementation of the natural resource damage claims provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, commonly known as Superfund. **Findings/Conclusions:** Under the act, federal and state trustees of natural resources may submit claims against Superfund for reimbursement for injury to or destruction or loss of natural resources caused by release of hazardous substances. A trust fund to be accumulated between fiscal years 1981 and 1985 is to be used to finance cleanup activities and to pay any allowed claims. The Department of the Interior has been delegated the authority to develop regulations on conducting natural resource damage assessments which, together with Environmental Protection Agency (EPA) regulations, have the purpose of establishing a mechanism for trustees to seek compensation for damages to natural resources. GAO found that, as of August 1984, Interior had not proposed or developed the regulations. Interior cited various reasons for the delay in issuing its regulations including a lack of resources and information and other priorities. GAO found that EPA disallowed 57 claims submitted by four states in 1983 to recover \$2.7 billion for damages to natural resources. Officials in seven states contacted by GAO disagreed with the basis for the EPA invalidation of the claims and stated that Interior's regulations should have been issued to help guide the states in filing their claims. Further, attorneys in the seven states stated their belief that Interior's failure to issue the assessment regulations will be a serious obstacle to the states' present and future litigation. GAO stated that EPA and Interior have recently acted to expedite the development of their respective regulations.

#### 125338

Status of Civilian Federal Agencies' Efforts To Address Hazardous Waste Problems on Their Lands. RCED-84-188; B-215824. September 28, 1984. 42 pp, plus 20 appendices (62 pp.).

**Report to:** Rep. Vic Fazio, Chairman, House Committee on Appropriations: Legislative Subcommittee; by Charles A. Bowsher, GAO Resources, Community, and Economic Development Division

**Issue Area:** Environmental Protection Programs Effectiveness of Federal and State Programs in Reducing the Environmental and Health Dangers Posed by Hazardous and Solid Wastes (2221).  
**Contact:** Resources, Community, and Economic Development Division

**Budget Function:** Natural Resources and Environment Pollution Control and Abatement (304.0)

**Organization Concerned:** Environmental Protection Agency

**Congressional Relevance:** House Committee on Appropriations; HUD-Independent Agencies Subcommittee; House Committee on Public Works and Transportation; House Committee on Appropriations, Legislative Subcommittee; Senate Committee on Appropriations; HUD-Independent Agencies Subcommittee; Senate Committee on Environment and Public Works; Rep. Vic Fazio.

**Authority:** Resource Conservation and Recovery Act of 1976. Comprehensive Environmental Response, Compensation, and Liability Act of 1980 Water Pollution Control Act Clean Air Act. Executive Order 12088 Executive Order 12316. OMB Circular A-106

**Abstract:** Pursuant to a congressional request, GAO determined: (1) what actions have been taken by federal civilian agencies to comply with provisions of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) which require them to identify federal sites which potentially contain hazardous wastes; and (2) the status of ongoing and planned agency actions to assess and correct hazardous waste problems at federal sites. **Findings/Conclusions:** GAO identified 16 federal agencies involved in hazardous waste activities. The agencies had identified 340 locations with potential hazardous waste problems. Some locations were identified in response to a CERCLA reporting requirement, although identification of sites was hampered because: (1) some agencies were unaware of the reporting requirement; (2) guidance issued by the Environmental Protection Agency (EPA) left agencies with broad discretion in meeting the requirement; and (3) there was no requirement for EPA to evaluate the adequacy of agency reporting actions. GAO found that about 30 percent of the 340 identified locations had not been assessed, but that for the remainder, some action had been taken. In 73 cases, EPA or the responsible agency determined that no further action was warranted. GAO also found that seven federal agencies have initiatives under way to identify hazardous waste sites. In addition, GAO found that an EPA inventory of potential hazardous waste sites is incomplete and contains errors, which could adversely affect a new EPA strategy for ensuring that agencies comply with CERCLA requirements. **Recommendation To Agencies:** The Administrator, EPA, should instruct EPA regional offices on the importance and need for complete and accurate information on potential hazardous waste site locations on federal lands. The instructions should also require regional offices to update and correct the ERRIS data base to show which locations are on federal lands and clearly identify within the data base those locations on federal lands that have been shown to lack the potential for uncontrolled hazardous waste sites. The Administrator, EPA, should require EPA regional offices to update and correct the ERRIS data base to show the current status of site assessment, evaluation, and corrective actions that have been taken at federal agency locations.

**Issue Area:** Health Programs: Efficiency and Effectiveness of Federally Supported Prevention and Treatment Efforts in Controlling Disease, Illness, and Substance Abuse (1230), Environmental Protection Programs: Effectiveness of Federal and State Programs in Reducing the Environmental and Health Dangers Posed by Hazardous and Solid Wastes (2221)

**Contact:** Human Resources Division.

**Budget Function:** Health: Prevention and Control of Health Problems (551.2), Natural Resources and Environment: Other Natural Resources (306.0).

**Organization Concerned:** Department of Health and Human Services; Environmental Protection Agency.

**Congressional Relevance:** House Committee on Appropriations; HUD-Independent Agencies Subcommittee, House Committee on Energy and Commerce; Commerce, Transportation, and Tourism Subcommittee; Senate Committee on Appropriations; HUD-Independent Agencies Subcommittee; Senate Committee on Environment and Public Works: Toxic Substances and Environmental Oversight Subcommittee; Congress; Rep. James J. Florio.

**Authority:** Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (P.L. 96-510). Urgent Supplemental Appropriations Act, 1982. Executive Order 12316.

**Abstract:** Pursuant to a congressional request, GAO determined the extent to which the Department of Health and Human Services (HHS) has been carrying out its responsibilities under the Superfund program. HHS responsibilities under Superfund include: (1) information collection, analysis, and management; (2) provision of medical services including care, testing, and research; and (3) development of standards to protect hazardous waste workers. **Findings/Conclusions:** GAO found that HHS: (1) is developing plans to establish three required registries of hazardous substance-related diseases, but has not developed a registry of persons exposed to toxic substances; (2) is planning to upgrade its inventory of information on the health effects of hazardous substances, but has not done so because of funding decreases; (3) has contracted for the development of a complete registry of areas closed due to contamination by toxic substances; (4) has conducted some biological testing at emergency sites; (5) has several studies in progress regarding the health effects of hazardous substances, but had only completed one such study since Superfund's implementation; and (6) has experienced delays in the establishment of safety standards for hazardous waste workers. In addition, GAO found that HHS has made limited progress with Superfund implementation because of (1) funding delays and reductions by the Environmental Protection Agency (EPA), which coordinates the Superfund budget; and (2) staffing limitations within HHS.

**Recommendation To Congress:** As Congress deliberates the future of Superfund, particularly the health-related responsibilities of HHS, it may wish to consider the workability of the existing arrangement whereby EPA controls HHS funding levels and whether additional staff positions should be authorized for HHS activities to avert past situations where HHS had inadequate funds or staff to carry out its plans. If Congress considers the HHS interpretations of its role under the act to be inconsistent with congressional intent, it may wish to: (1) clarify the purpose and intent of the national exposure and disease registries and the types of information to be included; (2) clarify the extent to which medical care is to be provided; and (3) define such terms as "exposed individuals" and "public health emergencies."

125391

**HHS' Implementation of Superfund Health-Related Responsibilities.**  
HRD-84-62; B-207182. September 28, 1984. Released October 16, 1984. 28 pp. plus 2 appendices (4 pp.).

**Report to Rep. James J. Florio, Chairman, House Committee on Energy and Commerce; Commerce, Transportation, and Tourism Subcommittee; by Charles A. Bowsher, Comptroller General**

125392

**EPA Needs To Improve Its Oversight of Air Pollution Control Grant Expenditures.** RCED-84-163; B-209872. September 28, 1984. Released October 11, 1984. 22 pp.

on Energy and Commerce Oversight and Investigations Subcommittee, by Charles A Bowsher, Comptroller General

**Issue Area:** Environmental Protection Programs Effectiveness of Environmental Protection Regulatory Strategies and Their Balance With Other Priorities (2227)

**Contact:** Resources, Community, and Economic Development Division

**Budget Function:** Natural Resources and Environment. Pollution Control and Abatement (304.0)

**Organization Concerned:** Environmental Protection Agency; Maryland; Louisiana; District of Columbia, Texas

**Congressional Relevance:** House Committee on Appropriations HUD-Independent Agencies Subcommittee; House Committee on Energy and Commerce; House Committee on Energy and Commerce: Oversight and Investigations Subcommittee; Senate Committee on Appropriations. HUD-Independent Agencies Subcommittee; Senate Committee on Environment and Public Works; Rep. John D Dingell

**Authority:** Clean Air Act. 40 C.F.R. 35 501-8, 40 C.F.R. 30.635-3, 40 C.F.R. 35 415. OMB Circular A-102 Attach. P.

**Abstract:** Pursuant to a congressional request, GAO reviewed the Environmental Protection Agency's (EPA) air pollution control grant program authorized by the Clean Air Act. **Findings/Conclusions:** Section 105 of the act authorizes EPA to award grants to state and local agencies to develop plans and implement programs to prevent and control air pollution or to address national air quality standards. GAO examined the EPA procedures for ensuring grantee compliance with section 105 provisions and EPA regulations and reviewed whether grantees are, in fact, meeting these requirements. GAO found that the three EPA regions reviewed were consulting with state officials and were satisfied that grantees were using the federal funds to supplement, not supplant, nonfederal funds for air pollution control. However, two of the regions had not ensured that all grantees complied with the level-of-effort requirement of the act or with EPA reporting requirements. GAO found numerous instances where unliquidated obligations were reported in final financial reports, in violation of reporting instructions. Of six grantees reviewed within the three EPA regions, four had submitted inaccurate or incomplete financial reports. Inspector General officials stated that they do not have the resources to audit the grantees' financial reports, and grant program officials stated that they lack the resources as well as the expertise to perform such audits.

**Recommendation To Agencies:** To ensure that all EPA regions determine whether grantees are complying with the level-of-effort requirement of the section 105 grant program, the Administrator, EPA, should establish procedures for regional administrators to follow in monitoring grantee expenditures. The procedures should emphasize that all obligations must be liquidated before financial reports can be accepted by EPA as final and should require the regions to examine grantees' past financial reports to ensure that levels of effort are maintained. The Administrator, EPA, should ensure that the regional administrators in Regions IV and VI take appropriate action with respect to the grantees in Knox County and San Antonio, respectively, concerning their reductions in levels of effort. To ensure that section 105 grant funds are properly spent and/or reported, the Administrator, EPA, should direct the regional administrators in Regions III and IV to work with the Office of General Counsel to resolve the underreporting of expenditures in Maryland and Louisiana. The Inspector General, EPA, should reconsider the priority assigned to the section 105 grant program, based on the GAO review findings and, if appropriate, conduct audits of specific grants to determine whether grantees' financial reports to EPA contain accurate and reliable information. To ensure that section 105 grant funds are properly spent and/or reported, the Administrator, EPA, should direct the regional administrators in Regions III and VI to work with the District of Columbia and Texas

respectively, to resolve inappropriate spending or erroneous reporting of grant funds in fiscal year 1982

#### 125504

*[Analysis of H.R. 5280].* B-215594 July 23, 1984 2 pp.  
Letter to Rep. Benjamin A. Gilman, by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General)

**Contact:** Office of the General Counsel

**Organization Concerned:** Department of the Interior.

**Congressional Relevance:** Rep. Benjamin A. Gilman

**Authority:** Wild and Scenic Rivers Act (16 U.S.C. 1277(a)) National Parks and Recreation Act of 1978 (P.L. 95-625; 92 Stat. 3523). H.R. 5280 (98th Cong.).

**Abstract:** In response to a congressional request, GAO analyzed a bill to prohibit the acquisition of certain lands adjoining the Upper Delaware River without express prior congressional authorization. The National Parks and Recreation Act authorized the Secretary of the Interior to acquire land and develop sites for the preservation of scenic qualities and other purposes. Because residents of the Upper Delaware River area are concerned that the Secretary may attempt to acquire the maximum amount of land or interests in land currently authorized, a bill was designed to constrain the Secretary's discretion to acquire lands or interests in land adjoining the Upper Delaware River. Pursuant to the bill, if enacted, the Secretary could only acquire land without the owner's consent if Congress adopts legislation expressly authorizing a proposed land acquisition and specifically appropriates the monies therefor.

#### 125544

*Status of DOE Implementation of the Nuclear Waste Policy Act of 1982 as of September 30, 1984.* RCED-85-42, B-202377 October 19, 1984. 27 pp plus 2 appendices (7 pp.).

Report to Sen. James A. McClure, Chairman, Senate Committee on Energy and Natural Resources, Sen. J. Bennett Johnston, Ranking Minority Member, Senate Committee on Energy and Natural Resources; by Ralph V. Carbone, (for J. Dexter Peach, Director), GAO Resources, Community, and Economic Development Division

Refer to Testimony, March 21, 1985, Accession Number 126494.

**Issue Area:** Energy. Effectiveness and Efficiency of DOE Implementation of the Nuclear Waste Policy Act (6404); Environment: Other Issue Area Work (6891)

**Contact:** Resources, Community, and Economic Development Division

**Budget Function:** Energy: Energy Information, Policy, and Regulation (276.0)

**Organization Concerned:** Department of Energy. Office of Civilian Radioactive Waste Management.

**Congressional Relevance:** Senate Committee on Energy and Natural Resources; Sen. J. Bennett Johnston; Sen. James A. McClure.

**Authority:** Nuclear Waste Policy Act of 1982 (P.L. 97-425).

**Abstract:** In response to a congressional request, GAO reported on (1) the progress which the Department of Energy (DOE) is making in meeting deadlines legislated by the Nuclear Waste Policy Act; (2) the status of the Nuclear Waste Fund; and (3) DOE management reorganization, information system development, and personnel initiatives. **Findings/Conclusions:** The act established several program requirements and set deadlines for DOE to develop and construct waste disposal repositories. During the last quarter of fiscal year 1984, DOE focused on: (1) developing a mission plan to be issued in early 1985; (2) preparing final guidelines for use in evaluation of potential repository sites to be issued in November 1984; and (3) completing environmental

assessments for the sites for release in December 1984. While DOE made progress toward accomplishing each of these requirements, in each case the initial milestone was missed to allow for full participation by states, Indian tribes, and the public. In July 1984, DOE issued an annual report on the adequacy of user fees established under the act. In August 1984, DOE distributed a draft report recommending that commercial and defense waste be deposited in a single repository to reduce the costs of nuclear waste disposal. By January 1985, DOE expects to issue a report on alternative approaches to managing the waste program. During the last quarter of fiscal year 1984, DOE reorganized the Waste Office to centralize policy development, initiated an internal program management system to include an automated information system, issued guidelines to standardize its state assistance program, awarded a contract for the audit of the Nuclear Waste Fund, and hired additional staff. As of September 30, 1984, DOE had executed contracts with each of the anticipated users of waste disposal and, while none of the one-time fees had been paid, about \$73.6 million was paid because of a 1-mill fee.

#### 125546

*[Interior's Report on OCS Shut-In and Flaring Wells Is Unnecessary].* RCED-85-10, B-202428 October 30, 1984 7 pp. plus 2 enclosures (2 pp.)

Report to Congress, by Charles A. Bowsher, Comptroller General.

**Issue Area:** Natural Resources Management; Interior's Effectiveness in Managing Mineral Resources, Including Ensuring Fair Prices for Minerals Sold and Providing an Adequate Mineral Supply (6901)

**Contact:** Resources, Community, and Economic Development Division.

**Budget Function:** Energy Energy Supply (271.0)

**Organization Concerned:** Department of the Interior.

**Congressional Relevance:** House Committee on Appropriations Interior Subcommittee; House Committee on Energy and Commerce; Senate Committee on Appropriations, Interior Subcommittee; Senate Committee on Energy and Natural Resources, Congress.

**Authority:** Outer Continental Oil Shelf Lands Act. Outer Continental Shelf Lands Act Amendments of 1978. S. 1967 (97th Cong.). H.R. 7076 (97th Cong.). H.R. 6189 (98th Cong.).

**Abstract:** GAO evaluated the methodology that the Secretary of the Interior uses in allowing offshore oil and gas wells to be suspended from production or to burn off natural gas. **Findings/Conclusions:** GAO found that Interior relies primarily on data submitted by well operators, which is verified by Interior's Minerals Management Services. Therefore, the methodology used for allowing offshore oil/gas wells to be shut in or to flare natural gas is reasonable. Interior's procedures are adequate to effectively monitor these activities. GAO also believes that, since Interior's annual report has not been useful to Congress, both the report and the GAO evaluation are no longer necessary. **Recommendation To Congress:** Congress should repeal section 15(1)(D) of the Outer Continental Oil Shelf Lands Act, as amended, and sections 601(a) and (b) of the Outer Continental Shelf Lands Act Amendments of 1978.

#### 125551

*Forest Service's Program To Identify Unneeded Land for Potential Sale Is Stalled.* RCED-85-16, B-216057. November 6, 1984. 34 pp. plus 1 appendix (4 pp.).

Report to Sen. Malcolm Wallop, Chairman, Senate Committee on Energy and Natural Resources; Public Lands and Reserved Water Subcommittee; Sen. James A. McClure, Chairman, Senate Committee on Energy and Natural Resources; Rep. T. Dexter

Peach, Director, GAO Resources, Community, and Economic Development Division

**Issue Area:** Natural Resources Management Approaches Used by Federal Agencies To Determine the Best Land Ownership Patterns at the Least Cost To the Government (6903); Civil Procurement and Property Management: Other Issue Area Work (4991). **Contact:** Resources, Community, and Economic Development Division

**Budget Function:** Natural Resources and Environment. Conservation and Land Management (302.0).

**Organization Concerned:** Department of Agriculture; Forest Service.

**Congressional Relevance:** House Committee on Appropriations: Agriculture, Rural Development, and Related Agencies Subcommittee; House Committee on Agriculture: Forests, Family Farms and Energy Subcommittee; Senate Committee on Appropriations: Agriculture and Related Agencies Subcommittee, Senate Committee on Agriculture, Nutrition, and Forestry: Forestry, Water Resources and Environment Subcommittee; Senate Committee on Energy and Natural Resources: Public Lands and Reserved Water Subcommittee, Senate Committee on Energy and Natural Resources; Sen. Malcolm Wallop; Sen. James A. McClure.

**Authority:** Department of Interior and Related Agencies Appropriation Act, 1984 (P.L. 98-146). Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.). Forest Management Act. Weeks Act (Protection of Watersheds) (16 U.S.C. 519). Bankhead-Jones Act (Farm Tenant) (7 U.S.C. 1010 et seq.). Small Tract Act of 1983 (16 U.S.C. 494a). Property and Administrative Services Act (40 U.S.C. 471 et seq.). Environmental Policy Act of 1969 (National) (42 U.S.C. 4321 et seq.). Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.). Historic Preservation Act (16 U.S.C. 470). Executive Order 12348.

**Abstract:** In response to a congressional request, GAO reviewed the Forest Service's program to identify and dispose of unneeded land, including: (1) how the Service plans to implement an executive order which asked federal agencies to identify and dispose of such land; (2) its land management process; and (3) the problems and costs involved in selling the land. **Findings/Conclusions:** GAO found that the Service is not determining which tracts of 6 million acres of forest land identified for study are unneeded because it has limited authority to sell national forest system land. However, Congress will not consider granting additional sale authority until the Service identifies and studies the unneeded lands. In addition, Service officials believe that once the land is studied, substantially less than 6 million acres would be offered for sale; however, the specific numbers will not be known until the land is further studied. Service officials estimate that about 10 percent of the land would be offered for sale after a study of resources and land use. The remaining acres would probably be retained because the land: (1) does not cost much to manage and has significant timber resources and animal forage; (2) contains important natural and cultural resources; and (3) is not readily marketable because of remoteness and the lack of natural resources. As of July 9, 1984, 118 of 124 anticipated forest land and management resources plans were still being developed but, by 1985, the 6 million acres could be reviewed. Users of national forest lands felt that the land identified for further study should remain as part of the forest service. Several expressed concern about sale terms and whether they would have the first opportunity to purchase unneeded lands. **Recommendation To Agencies:** The Secretary of Agriculture should direct the Chief of the Forest Service to modify Service instructions on the integrated plans to require forest supervisors to review the need for the 6 million acres identified for further study. To the extent possible, these reviews should be done as part of the process of preparing the initial integrated forest and resource management plans. The Secretary of Agriculture should direct the Chief of the Forest

Service to develop a list of land tracts that should be made available for sale and report the results to Congress for its use in considering whether to grant the Secretary additional sales authority for Forest Service land

#### 125626

[*Adequacy of Geologic Data for Proposed Coal Lease Tracts in Central Utah and Western Colorado*]. RCED-85-35; B-216768. November 5, 1984. 13 pp. plus 1 enclosure (4 pp.).

*Report to Rep. James H. Weaver, Chairman, House Committee on Interior and Insular Affairs: Mining, Forest Management, and Bonneville Power Administration Subcommittee; by J. Dexter Peach, Director, GAO Resources, Community, and Economic Development Division*

**Issue Area:** Natural Resources Management: Interior's Effectiveness in Managing Mineral Resources, Including Ensuring Fair Prices for Minerals Sold and Providing an Adequate Mineral Supply (6901).

**Contact:** Resources, Community, and Economic Development Division.

**Budget Function:** Energy: Energy Supply (271.0).

**Organization Concerned:** Department of the Interior.

**Congressional Relevance:** House Committee on Interior and Insular Affairs: Mining, Forest Management, and Bonneville Power Administration Subcommittee; Rep. James H. Weaver.

**Authority:** 43 C.F.R. 3480.

**Abstract:** Pursuant to a congressional request, GAO determined the adequacy of data on coal reserves contained in tracts being considered for leasing in the Uinta federal coal region, which covers central Utah and western Colorado. **Findings/Conclusions:** GAO found that, in 1981, Interior modified several of its leasing guidelines which resulted in tracts being delineated and considered for leasing even though some tracts did not contain drill hole data within their boundaries. GAO also found that Interior did not have adequate geologic data to determine coal reserves and values for 19 of the 24 proposed Uinta coal lease tracts. The Regional Coal Team's reliability and usefulness in preparing the lease sales was reduced because tract delineation reports contained inconsistencies and the maps accompanying the reports contained undetected errors. GAO also found that Interior had not prescribed internal control procedures for verifying the accuracy, reliability, and completeness of the data. GAO believes that data standards could be improved if coal companies participating in the leasing process were required to contribute significantly to the enhancement of data adequacy.

#### 125653

[*Department of Agriculture's Acquisition and Distribution of Commodities for Its 1983 Payment-in-Kind Program*]. RCED-84-137; B-213707. September 25, 1984. Released November 27, 1984. 10 pp. plus 4 appendices (40 pp.).

*Report to Rep. Glenn L. English, Chairman, House Committee on Government Operations: Government Information, Justice, and Agriculture Subcommittee; by Charles A. Bowsher, Comptroller General.*

Refer to RCED-85-62, March 11, 1985, Accession Number 126412.

**Issue Area:** Food: Best Management and Planning Tools Applicable to the Food and Agriculture System and Their Uses (1736). **Contact:** Resources, Community, and Economic Development Division.

**Budget Function:** Agriculture: Farm Income Stabilization (351.0).

**Organization Concerned:** Department of Agriculture.

**Congressional Relevance:** House Committee on Appropriations:

Subcommittee, House Committee on Agriculture, House Committee on Government Operations: Government Information, Justice, and Agriculture Subcommittee, Senate Committee on Appropriations: Agricultural, Rural Development, and Related Agencies Subcommittee, Senate Committee on Agriculture, Nutrition, and Forestry; Rep. Glenn L. English

**Abstract:** Pursuant to a congressional request, GAO reviewed the Department of Agriculture's (USDA) payment-in-kind (PIK) program, which compensates farmers who withhold production of any of five types of commodities with certain amounts of the crops they would otherwise have harvested. **Findings/Conclusions:** GAO found that in 1983, producers idled about 48 million of the 212 million acres USDA had expected to be planted in the five PIK commodities. USDA did not have enough of four of the commodities and purchased additional quantities from producers with outstanding Commodity Credit Corporation (CCC) loans. Such producers forfeited a portion of the crops they had used for loan collateral in return for forgiveness of their loans and the right to retain a percentage of the collateral. USDA used competitive bidding to select bids from the producers who retained the lowest percentage of their collateral. GAO also found that, in most cases, USDA met its PIK obligations by providing acceptable commodities in a timely manner. However, USDA could have spent less money to acquire PIK commodities from CCC debtors by using a unit cost approach to bidding. GAO estimated that USDA could have saved between \$58 million and \$256 million using a unit cost approach because USDA did not consider the varying rates at which CCC loaned money to producers. In addition, GAO found that USDA positioned about 1 percent of the total commodities exchanged in localities where they were not needed for the program. **Recommendation To Agencies:** Because comparing bids on a unit cost basis will allow USDA to acquire commodities at the lowest cost, the Secretary of Agriculture should use the unit cost approach in future acquisitions of commodities held as loan collateral

#### 125660

[*Protests of BIA Contract Award Alleging Awardee Had Access to Bid Data*]. B-216448. November 26, 1984. 2 pp.

*Decision re: Emery Negonsott, Tom Cadue; by Harry R. Van Cleve, General Counsel.*

**Contact:** Office of the General Counsel.

**Organization Concerned:** Bureau of Indian Affairs; Postoak Construction Co

**Authority:** 4 C.F.R. 211(a); 4 C.F.R. 213(g); 58 Comp. Gen. 111 B-208031.2 (1982); B-210411 2 (1984).

**Abstract:** Two members of an Indian tribe protested Bureau of Indian Affairs (BIA) construction contract awards to another firm, contending that a current employee of the firm was a former BIA employee and that he may have had access to bid construction data. Bid protest procedures require that a party be directly interested in the procurement action for its protest to be considered. GAO held that, since the members did not represent the bidder, they lacked the required involvement in the matter to allow for consideration. Accordingly, the protest was dismissed.

#### 125759

[*Request for Decision on PADC Authority To Purchase Plaque With Donated Fund*]. B-215404. December 4, 1984. 3 pp

*Decision re: Pennsylvania Avenue Development Corp.; by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General).*

**Contact:** Office of the General Counsel.

**Organization Concerned:** Pennsylvania Avenue Development Corp.

**Authority:** 45 Comp. Gen. 199; 19 Comp. Gen. 100; B-193573

**Abstract:** The Pennsylvania Avenue Development Corporation (PADC) requested a decision as to its authority to purchase and install a memorial plaque acquired with donated funds and to dedicate the site on federal land under its control to a deceased former PADC chairperson. GAO noted that PADC is legally exempted from restrictions otherwise imposed upon government agencies in the expenditure of appropriated funds, except where a statutory restriction expressly precludes a proposed PADC expenditure. GAO noted that no law expressly precludes the proposed PADC expenditures. Further, no law precludes PADC from designating property under its control in honor of the deceased former PADC chairperson.

#### 125778

**Additional Actions Taken To Control Marihuana Cultivation and Other Crimes on Federal Lands.** RCED-85-18, B-203050 November 28, 1984 Released December 6, 1984 55 pp plus 7 appendices (12 pp.)

**Report to Rep John F Seiberling, Chairman, House Committee on Interior and Insular Affairs, by J Dexter Peach, Director, GAO Resources, Community, and Economic Development Division**

Refer to CED-82-48, March 10, 1982, Accession Number 117764.

**Issue Area:** Natural Resources Management Effectiveness of Natural Resources Protection Programs and Their Effect on the Balance Between Land Development and Conservation Interests (6905); Administration of Justice Other Issue Area Work (4791).

**Contact:** Resources, Community, and Economic Development Division

**Budget Function:** Natural Resources and Environment Recreational Resources (303.0).

**Organization Concerned:** Department of the Interior, Bureau of Land Management; National Park Service; Department of Agriculture; Forest Service.

**Congressional Relevance:** House Committee on Interior and Insular Affairs, Rep. John F Seiberling

**Authority:** Controlled Substances Act (21 U.S.C. 873(a)(5)). 16 U.S.C. 551. Land Policy and Management Act 16 U.S.C. 1a et seq Drug Abuse Prevention, Treatment, and Rehabilitation Act (21 U.S.C. 1111). P.L. 87-465

**Abstract:** In 1982, GAO reported that illegal and unauthorized activities, including crimes against persons and property and marihuana cultivation, were limiting the ability of the public to use and enjoy natural resources and recreational facilities on federal lands. Pursuant to a congressional request concerning the danger imposed by marihuana growers, GAO updated its previous work focusing on the extent of marihuana cultivation, its effects on the management and use of federal lands, and the actions taken to eradicate marihuana. **Findings/Conclusions:** GAO found that federal lands are attractive to the growth of marihuana because much of the land is located in unpopulated areas where the climate is more conducive to its cultivation. This cultivation threatens public and employee safety, hinders land management activities on some federal lands, and causes resource damage. Detecting and destroying marihuana is becoming more difficult because of the techniques being used to hamper detection. Booby traps are set up by the growers to scare intruders or to warn growers of their presence in the areas where the plots are located. These devices include bear traps, rattraps, fishhooks on lines at eye level, and even more dangerous items such as hand grenades and dynamite. Federal employees and other land users have reported incidences of phone calls, rock throwing, and of having shots fired at them. Marihuana growers have also been suspected of causing fires, cutting timber and shrubs to clear the land, shooting and poaching wildlife, and littering. Since 1981, the Forest Service, the Bureau of Land Management, and the National Park Service have developed marihuana control policies to provide support in cooperating with other federal, state, and local law enforcement areas and have taken further actions to control crimes against persons and property, trespassing, timber thefts, and other illegal and unauthorized activities. The Department of the Interior stated that it has increased efforts to control marihuana cultivation, but that it remains a serious threat to federal employees and the public.

#### 125792

**[Verification of Abandoned Coal Mine Reclamation Fees Reported and Paid to the Department of the Interior Through Third Party Sources].** RCED-84-202, B-178726. September 28, 1984. Released December 7, 1984 7 pp

*Report to Rep Michael L Synar, Chairman, House Committee on Government Operations Environment, Energy and Natural Resources Subcommittee, by J Dexter Peach, Director, GAO Resources, Community, and Economic Development Division*

**Issue Area:** Land Use Planning and Control Impact of Federal Programs on the Use and Management of Non-Federal Lands and Related Resources (2324); Environmental Protection Programs: Effectiveness of Environmental Protection Regulatory Strategies and Their Balance With Other Priorities (2227)

**Contact:** Resources, Community, and Economic Development Division

**Budget Function:** Natural Resources and Environment: Conservation and Land Management (302 0).

**Organization Concerned:** Department of the Interior: Office of Surface Mining Reclamation and Enforcement

**Congressional Relevance:** House Committee on Government Operations Environment, Energy and Natural Resources Subcommittee; Rep Michael L Synar.

**Authority:** Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232 et seq.) Energy Policy and Conservation Act (42 U.S.C. 6381(a) et seq.). Energy Administration Act of 1974 (15 U.S.C. 771 et seq.) Interstate Commerce Act, Part 4 (P.L. 95-473) 30 C.F.R. 870. 30 U.S.C. 1291(28) 31 U.S.C. 716(a). 49 U.S.C. 11910 et seq.

**Abstract:** In response to a congressional request, GAO reported on why information from third party sources on the extent of underreporting of reclamation fees due and payable to the Department of the Interior for coal produced by surface and underground mining was not available. **Findings/Conclusions:** GAO found no legal authority which would allow it to have access to the records of private parties, such as private railroads and tipple operators, to obtain energy information. GAO authority to obtain records from private parties is limited to information relating to Department of Energy matters or to the recipients of federal funds or assistance under provisions of the Federal Energy Administration Act, therefore, GAO does not have access to the private records of third parties for investigations concerning Interior matters. In addition, GAO found that the Interstate Commerce Commission cannot disclose information on individual shippers except as directed by the Commission, a court, or a judge. GAO found that the information that Interior could provide would not be useful in this investigation. Further, voluntary release of coal production data by railroad lines would jeopardize the company's relationship with its customers and, without a court order, company records could not be obtained. However, a recent district court decision found that Interior has too narrowly defined its authority to regulate coal processing operations. This decision, if upheld, could result in a substantial expansion of Interior's authority to obtain the records of tipple operators.

## 125843

*An Analysis of Issues Concerning "Acid Rain". RCED-85-13; B-209020. December 11, 1984. 124 pp. plus 5 appendices (61 pp.). Report to Congress; by Charles A. Bowsher, Comptroller General.*

**Issue Area:** Energy: Other Issue Area Work (6491); Environment: Overview of Success and Shortcomings of Federal and State Efforts To Control Toxic Air Pollutants (6805); International Affairs: Non-Line-of-Effort Assignments (0651).

**Contact:** Resources, Community, and Economic Development Division.

**Budget Function:** Natural Resources and Environment: Pollution Control and Abatement (304.0); International Affairs: Conduct of Foreign Affairs (153.0); Energy: Energy Supply (271.0).

**Organization Concerned:** Environmental Protection Agency; Department of Energy; Council on Environmental Quality; Department of State.

**Congressional Relevance:** Congress.

**Authority:** Acid Precipitation Act of 1980. Clean Air Act. Clean Air Act Amendments of 1970. Clean Air Act Amendments of 1977. S. 3041 (97th Cong.) H.R. 3400 (98th Cong.). S. 1706 (97th Cong.) S. 768 (98th Cong.) S. 2594 (97th Cong.) S. 2215 (98th Cong.). S. 2001 (98th Cong.). S. 454 (98th Cong.). S. 766 (98th Cong.) H.R. 1405 (98th Cong.). H.R. 3904 (98th Cong.)

**Abstract:** GAO examined the issues involved in the decision on controlling acid deposition, or acid rain. GAO also examined: (1) whether available scientific information could indicate clearly the appropriateness of beginning control action, and (2) the current state of knowledge on the subject. **Findings/Conclusions:** GAO found that, because the Clean Air Act currently focuses on concentrations of pollutants near their sources, any air pollution control approach to deal with acid rain in this century would necessitate additions to, or a basic reorientation of, the ambient air quality standard approach in the present act. The dispute persists over whether it would be advisable to establish emission controls promptly to reduce acid rain or wait further. GAO believes that having control plans ready could save time, and therefore spare resources, in the event a need for rapid action becomes evident. GAO concluded that, regardless of decisions that are made to control acid rain in the short run, further scientific work will be needed for a number of years.

## 125843

*[Hazardous Waste Management at Tinker Air Force Base]. December 13, 1984. 14 pp.*

**Testimony before the House Committee on Government Operations: Environment, Energy and Natural Resources Subcommittee;** by Harry R. Finley, Associate Director, GAO National Security and International Affairs Division

**Contact:** National Security and International Affairs Division.

**Organization Concerned:** Department of the Air Force: Tinker AFB, OK.

**Congressional Relevance:** House Committee on Government Operations: Environment, Energy and Natural Resources Subcommittee; Rep Michael L Synar.

**Abstract:** Pursuant to a congressional request, GAO discussed its review of hazardous waste management at an Air Force base in Oklahoma concerning the following areas. (1) reducing hazardous waste generation through treatment and recycling; (2) problems associated with the full and effective utilization of an industrial waste treatment plant, and (3) improvements which are needed in the monitoring and control of hazardous waste disposal. GAO found that the Air Force base was: (1) disposing of much of its hazardous wastes off-base without treating or recycling them; and (2) disposing, in injection wells, waste chemicals that could be treated at its industrial waste treatment plant. GAO commented on the problems that the industrial waste treatment plant has, including operational and maintenance problems, and noted that the base has taken several actions to correct these problems. GAO also determined that: (1) better monitoring and inspection of the base hazardous waste contractor and hazardous waste manifests are needed; (2) better spill containment is needed to prevent dumping at the base; and (3) the base and the Department of Defense need to be more involved in the selection of hazardous waste disposal sites.

## 125907

*[Improvements Needed in the Department of the Interior's Acquisition of Geophysical Data]. RCED-85-9; B-215060. November 20, 1984. P-101. D-101. 60 pp. 1021-11.*

*Report to Rep. John D. Dingell, Chairman, House Committee on Energy and Commerce: Oversight and Investigations Subcommittee; by Charles A. Bowsher, Comptroller General*

**Issue Area:** Natural Resources Management: Interior's Effectiveness in Managing Mineral Resources, Including Ensuring Fair Prices for Minerals Sold and Providing an Adequate Mineral Supply (6901).

**Contact:** Resources, Community, and Economic Development Division

**Budget Function:** Energy: Energy Supply (271.0).

**Organization Concerned:** Department of the Interior; Department of the Interior, Minerals Management Service.

**Congressional Relevance:** House Committee on Appropriations: Interior Subcommittee; House Committee on Energy and Commerce: Oversight and Investigations Subcommittee; House Committee on Energy and Commerce: Oversight and Investigations Subcommittee; Senate Committee on Appropriations: Interior Subcommittee; Senate Committee on Energy and Natural Resources; Congress; Rep. John D. Dingell.

**Authority:** Outer Continental Shelf Lands Act Amendments of 1978 (P.L. 95-372).

**Abstract:** In response to a congressional request, GAO reviewed the Department of the Interior's policies and practices for acquiring geophysical data which are important to the Minerals Management Service (MMS) in its evaluation of the petroleum potential of offshore lands. **Findings/Conclusions:** Companies which conduct exploration and development of offshore oil and gas are required to provide geophysical data to Interior upon request, and Interior pays companies for the reasonable costs of processing and reproducing, but not for acquiring, such data. GAO found that, in 2 of the 95 contracts which MMS issued for acquiring geophysical data from 1981 through 1983, MMS paid companies for acquisition costs which were not allowed by the Outer Continental Shelf Lands Act Amendments or Interior regulations. GAO also found that MMS paid widely varying prices for similarly processed geophysical data and could not explain the variations. Although MMS adopted the Federal Procurement Regulations as a basis for contracting for geophysical data, these regulations were not always followed. For example, contracting officers often did not require cost or pricing information and rarely requested audits of proposed contracts. GAO also found that contracting officers did not separately identify acquisition and processing costs as required by regulations. Implementation of a new policy and procedures memorandum may help ensure that payments for data are reasonable and comply with applicable regulations; however, the memorandum does not provide guidance in paying reproduction costs. **Recommendation To Congress:** Congress should amend the Outer Continental Shelf Lands Act to require that, whenever any data or information are provided to the Secretary of the Interior, both permittees and lessees be reimbursed only for the reasonable cost of reproducing such data and information if it is in the form and manner normally used by the company. If the Secretary requests the data in another form or manner than used by the lessee or permittee in its normal course of business, the Secretary must pay the reasonable costs attributable to this processing and reproduction. **Recommendation To Agencies:** The Secretary of the Interior should require the Director, MMS, to monitor the implementation of the April 1984 Policies and Procedures Memorandum governing the acquisition of geological and geophysical data. In addition, MMS should establish guidelines for reproduction costs based on the cost per square foot in various regions as a standard for future purchases of data. The Secretary of the Interior should direct the Director, MMS, to take whatever actions are necessary to recover the nonallowable costs attributable to those contracts discussed earlier in this report and in other areas of the program.

125921

[*Protest of Contract Award by Department of Agriculture*]. B-216212. December 14, 1984. 2 pp.

**Decision re:** Ray Stangland; by Harry R. Van Cleve, General Counsel.

**Contact:** Office of the General Counsel.

**Organization Concerned:** Department of Agriculture.

**Authority:** 4 C.F.R. 21.10. 56 Comp. Gen. 934. Moore v. St. Louis Music Supply Co., Inc., 539 F.2d 1191 (8th Cir. 1976). B-213823 (1984).

**Abstract:** An individual protested a contract award to another individual under a Department of Agriculture (USDA) solicitation for forest thinning services, contending that USDA improperly permitted the awardee to correct his bid. GAO held that it would not consider the protest because a court that was hearing a related lawsuit filed by the protester had not expressed interest in a GAO opinion. Accordingly, the protest was dismissed.

125938

[*EPA Could Benefit From Comprehensive Management Information on Superfund Enforcement Actions*]. RCED-85-3; B-211463. December 28, 1984. 15 pp.

**Report to Rep. Elliott H. Levitas, Chairman, House Committee on Public Works and Transportation: Investigations and Oversight Subcommittee; by J. Dexter Peach, Director, GAO Resources, Community, and Economic Development Division.**

**Issue Area:** Environment: Assessing EPA's Initial Efforts To Address Problems Posed by Past Hazardous Waste Disposal Practices (6801).

**Contact:** Resources, Community, and Economic Development Division.

**Budget Function:** Natural Resources and Environment: Pollution Control and Abatement (304.0).

**Organization Concerned:** Environmental Protection Agency.

**Congressional Relevance:** House Committee on Public Works and Transportation: Investigations and Oversight Subcommittee; Rep. Elliott H. Levitas.

**Authority:** Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

**Abstract:** Pursuant to a congressional request, GAO reviewed the extent of management information available to the Environmental Protection Agency (EPA) in carrying out its enforcement responsibilities under the Superfund program. **Findings/Conclusions:** GAO found that, while EPA headquarters and regional offices have individual management information systems for tracking Superfund enforcement actions, there is no such system that covers the entire agency. Most such systems were developed in recent years as the growing Superfund caseload prompted program managers to develop systematic ways of tracking enforcement actions. Many EPA officials believe that, if the Superfund enforcement caseload continues to increase as expected, an agencywide information system could enable program managers to better address comprehensive Superfund issues such as the length of the enforcement process, whether enforcement milestones are met, and resource allocation. However, EPA has not assessed the feasibility of implementing a comprehensive Superfund enforcement tracking system. **Recommendation To Agencies:** In view of the growing enforcement workload, the Administrator of EPA should assess the feasibility of developing and maintaining a comprehensive Superfund enforcement management information system and, if cost effective, implement such a system. In making this assessment, the Administrator should consider the needs of EPA program managers and Congress.

125950

*What Is the Extent of Foreign Participation in Mineral Leases and Mining Claims on Federal Land?* RCED-85-37; B-216390 December 13, 1984. Released January 2, 1985 6 pp plus 6 appendices (34 pp.)

Report to Rep Morris K Udall, Chairman, House Committee on Interior and Insular Affairs; by Ralph V. Carlone, (for J Dexter Peach, Director), GAO Resources, Community and Economic Development Division.

**Issue Area:** Natural Resources Management Interior's Effectiveness in Managing Mineral Resources, Including Ensuring Fair Prices for Minerals Sold and Providing an Adequate Mineral Supply (6901).

**Contact:** Resources, Community, and Economic Development Division.

**Budget Function:** Natural Resources and Environment Conservation and Land Management (302 0)

**Organization Concerned:** Department of the Interior.

**Congressional Relevance:** House Committee on Interior and Insular Affairs; Rep. Morris K. Udall

**Authority:** Mineral Lands Leasing Act (30 U.S.C. 181 et seq.). 30 U.S.C. 21 et seq.

**Abstract:** Pursuant to a congressional request, GAO determined the extent of foreign participation in mining and mineral leasing on federal lands. The remainder of the request which asked for information on federal agency control over relevant data and the use of that data could not be provided because that data either does not exist or is not available. **Findings/Conclusions:** GAO studied foreign activity in three states and found that about eleven percent of the mineral leases and about nine percent of the mining claims have some foreign participation. GAO estimated that the greatest extent of foreign activity in both areas was from Canada, which accounted for about one-half of the foreign activity in the lands that were studied. The remaining participation came from eight other foreign countries.

125977

*Program To Transfer Land Between the Bureau of Land Management and the Forest Service Has Stalled.* RCED-85-21; B-214238 December 27, 1984 44 pp plus 3 appendices (7 pp ) Report to John R. Block, Secretary, Department of Agriculture, William P. Clark, Secretary, Department of the Interior, by Ralph V. Carlone, (for J Dexter Peach, Director), GAO Resources, Community, and Economic Development Division.

**Issue Area:** Land Use Planning and Control Effectiveness of Policies, Procedures, and Practices for Determining Federal Land Ownership Patterns (2321)

**Contact:** Resources, Community, and Economic Development Division

**Budget Function:** Natural Resources and Environment Conservation and Land Management (302.0).

**Organization Concerned:** Department of Agriculture, Department of the Interior; Forest Service; Bureau of Land Management

**Authority:** Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 528 et seq.) Forest and Rangeland Renewable Resources Planning Act of 1974 (P.L. 93-378; 16 U.S.C. 1600 et seq.; 88 Stat. 480). Forest Management Act (P.L. 94-588; 90 Stat. 2949). Land Policy and Management Act (43 U.S.C. 1701 et seq.). Weeks Act (Protection of Watersheds) (16 U.S.C. 513 et seq.). Executive Order 12348.

**Abstract:** GAO reviewed the Bureau of Land Management's (BLM) and the Forest Service's implementation of the Jurisdictional Land Transfer Program, which was established in 1980 to identify and evaluate opportunities to transfer the two agencies' land management responsibilities and develop proposed legislation to effect such transfers. **Findings/Conclusions:** GAO found that the agencies did not meet the milestone dates which they had established for developing the first legislative proposal. In addition, joint field work on the program was suspended in January 1983 because: (1) the two agency heads could not agree on the size and the scope of potential land transfers to be included in the legislative proposals; and (2) the agencies' field staffs, who were responsible for identifying transfer opportunities and developing potential transfer proposals, frequently did not follow the jointly issued program guidelines. Furthermore, statewide land pattern goals were not established in four of the five states studied because of a lack of resources, a lack of communication with agency heads, and a lack of coordination between field staffs and their failure to establish a specific goal. Between 1982 and 1983 the agencies' efforts to comply with an administration initiative to identify and sell unneeded federal land also hindered program progress. Finally, GAO found that some field staffs did not consider transfers that would result in the closing of offices or personnel reductions and relocations. **Recommendation To Agencies:** The Secretaries of Agriculture and the Interior should resolve the disagreement over the size and scope of potential land transfers so that the Jurisdictional Land Transfer Program can be resumed and legislative proposals can be made. Once the Jurisdictional Land Transfer Program has been resumed, the Secretaries of Agriculture and the Interior should direct the Chief of the Forest Service and the Director of BLM to instruct their field staffs to adhere to the program guidelines. Once the program has resumed, the Secretaries of Agriculture and the Interior should direct the Chief of the Forest Service and the Director of BLM to monitor the program's progress to make sure that the guidelines are followed.

125971

*Query Concerning Legal Authority for Issuing and Enforcing Regulations Requiring Universal Seat Belt Use.* B-216218. November 30, 1984. Released January 9, 1985. 3 pp.

Letter to Rep. John D. Dingell, Chairman, House Committee on Energy and Commerce; by Milton J. Socolar, (for Charles A. Bowsher, Comptroller General).

**Contact:** Office of the General Counsel.

**Organization Concerned:** Department of Defense; National Park Service.

**Congressional Relevance:** House Committee on Energy and Commerce; Rep. John D. Dingell.

**Authority:** 36 C.F.R. 4. U.S. Const. art. IV, §3, cl. 2. Camfield v. United States, 167 U.S. 518 (1897). Kleppe v. New Mexico, 426 U.S. 529 (1976). United States v. Brown, 552 F.2d 817 (8th Cir. 1977). Colorado v. Toll, 268 U.S. 228 (1925). DOD Instruction 6055.4. 16 U.S.C. 3. 10 U.S.C. 2676(a).

**Abstract:** Pursuant to a congressional request, GAO analyzed the legal authority for issuing and enforcing regulations requiring universal seat belt use by motorists travelling on federally managed lands, particularly lands controlled by the Department of Defense (DOD) and the National Park Service. Constitutional powers provide for the government to control all aspects of the use of public lands, which includes requiring seat belt use and punishment for non-use. Since DOD and the Park Service have a legitimate interest in the safety of motorists on their respective properties, sufficient reason exists to initiate such requirements.



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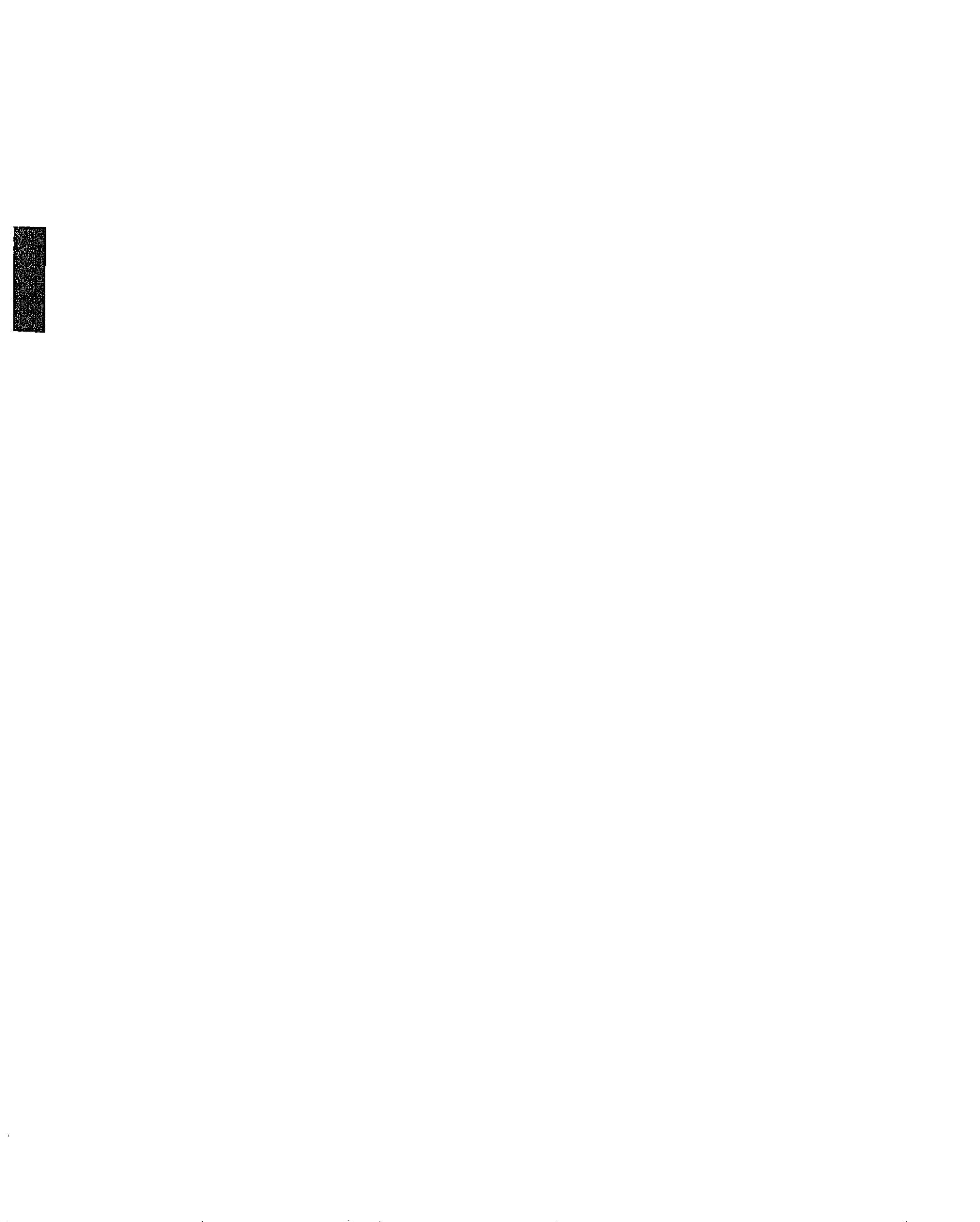
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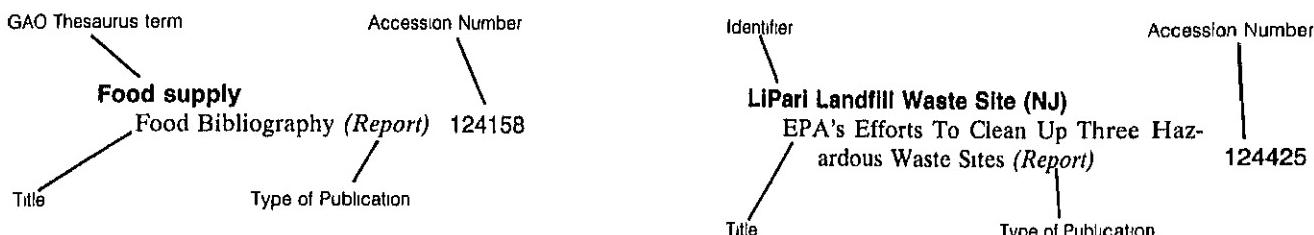
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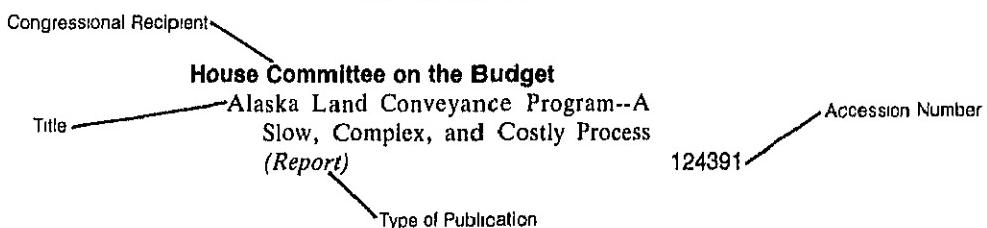
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## ABBREVIATIONS COMMONLY USED IN THIS PUBLICATION

In general the abbreviations used in this publication follow the recommended practices of the *U.S. Government Printing Office Style Manual*. However the abbreviations used in the Law/Authority Index follow the recommended rules for abbreviations cited in the latest edition of *A Uniform System of Citation*. The following list includes only those abbreviations that do not coincide with the rules cited in the *U.S. Government Printing Office Style Manual* or *A Uniform System of Citation*.

A.F.R.	Air Force Regulation
A.R.	Army Regulation
A.S.P.R.	Armed Services Procurement Regulation
C.G.	Coast Guard
C.M.M.I.	Civilian Manpower Management Instruction
C.P.R.	Army Civilian Personnel Regulation
D.A.C.	Defense Acquisition Circular
D.A.R.	Defense Acquisition Regulation (formerly A S P R )
DLA	Defense Logistics Agency
DODPM	Department of Defense Military Pay and Allowances Entitlements Manual
DOJ	Department of Justice
D.P.C.	Defense Procurement Circular
FAM	Foreign Affairs Manual
FIPS	Federal Information Processing Standards
FIRMR	Federal Information Resources Management Regulation
F.L.R.C.	Federal Labor Relations Council
F.P.M.	Federal Personnel Manual
F.P.M.R.	Federal Personnel Management Regulation
F.P.R.	Federal Procurement Regulation
F.T.R.	Federal Travel Regulation
IAM	Indian Affairs Manual
J.T.R.	Joint Travel Regulation
NAVJAGMAN	Manual of the Judge Advocate General of the Navy
NAVSEAOP	Naval Sea Systems Command Ordnance Publications
N.M.F.C.	National Motor Freight Classification
VAPR	Veterans Administration Procurement Regulation

#### **GAO Division and Office Abbreviations**

<b>AFMD</b> <sup>3</sup>	Accounting and Financial Management Division
<b>CED</b>	Community and Economic Development Division
<b>EMD</b> <sup>1</sup>	Energy and Minerals Division
<b>FOD</b>	Field Operations Division
<b>FPCD</b>	Federal Personnel and Compensation Division
<b>GGD</b>	General Government Division
<b>HRD</b>	Human Resources Division
<b>ID</b> <sup>2</sup>	International Division
<b>IMTEC</b> <sup>3</sup>	Information Management and Technology Division
<b>IPE</b> <sup>5</sup>	Institute for Program Evaluation
<b>LCD</b> <sup>3</sup>	Logistics and Communications Division
<b>MASAD</b> <sup>2</sup>	Mission Analysis and Systems Acquisition Division
<b>NSIAD</b> <sup>2</sup>	National Security and International Affairs Division
<b>OACG</b>	Office of the Assistant Comptroller General
<b>OADPS</b> <sup>4</sup>	Office of Automatic and Data Processing Services
<b>OCG</b>	Office of the Comptroller General
<b>OCR</b>	Office of Congressional Relations
<b>OGC</b>	Office of the General Counsel
<b>OIRM</b>	Office of Information Resources Management
<b>OISS</b> <sup>4</sup>	Office of Information Systems and Services
<b>OLS</b>	Office of Library Services
<b>OP</b>	Office of Policy
<b>OPP</b>	Office of Program Planning
<b>PAD</b> <sup>5</sup>	Program Analysis Division
<b>PART</b> <sup>6</sup>	Professional Audit Review Team
<b>PEMD</b> <sup>5</sup>	Program Evaluation and Methodology Division
<b>PLRD</b> <sup>2</sup>	Procurement, Logistics, and Readiness Division
<b>PSAD</b> <sup>1</sup>	Procurement and Systems Acquisition Division
<b>RCED</b> <sup>1</sup>	Resources, Community, and Economic Development Division

<sup>1</sup>CED and EMD were merged to form BCED in October 1982.

<sup>2</sup>ID, MASAD, and PLRD were merged to form NSIAD in May 1983.

<sup>3</sup> Part of AFMD and all of LCD were merged to form IMTEC in October 1983.

<sup>4</sup>Now QIRM